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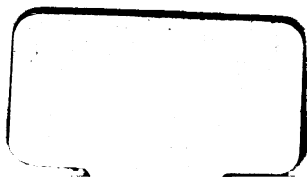
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SKETCHES
OF MY OWN TIMES

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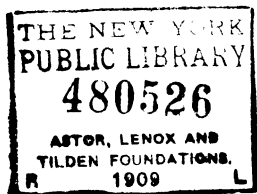
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CONTENTS

CHAPTER ONE

PAGE

In the Forest Primeval—The Homestead—The Garden—The Double Log Cabin—The Baptist Monthly Meeting—The Sermon or Discourse and What Followed It	1
---	---

CHAPTER TWO

Life in the Backwoods Seventy Years Ago—The Wind-Fall—Make-Beliefs—Wild Fruit and Flowers—The High Woods—The Home School—The Grist-Mill	13
---	----

CHAPTER THREE

The Harvest—The Harvest Dinner—The Stubble-Call—Holidays—Christmas and New Year—The Sang-Hunt—Election Returns—The General Muster—The Seamstress and the Shoemaker—Interstate Commerce—Products and Customs of the South—The Keel and Flat-Boat—Roads and Highways—The War of the Roses	24
---	----

CHAPTER FOUR

The Corn Crop—The Show—Expansion of the Frontier—The Founders of Indiana	42
--	----

CHAPTER FIVE

School-Days—Senator Albert S. White—His Speech at the Whig Meeting in 1840—Whig Mass-Meeting at the Battleground—College Course—Vacation Work on the Farm—The Mexican War—The Old Town and the New	57
--	----

CONTENTS

CHAPTER SIX

PAGE

The Schoolmaster—Boarding Round—Spelling, Reading, Writing and Ciphering—The Society of Debtor and Creditor—Law Studies—Admission to the Bar—Towns of Indiana in 1849—A Typical County-Town—The Old Squire—William M. Kenton	74
--	----

CHAPTER SEVEN

Law Practice—Jury Trial in the Probate Court—Albert S. White—Joseph G. Marshall—Rufus A. Lockwood—The Camp-Meeting—Election to the Legislature—The Grand Prairie and the Blue-Stem—The Prairie Fire—The Need-Burn—The Prairie Fire-Brigade	97
--	----

CHAPTER EIGHT

The Farmer on the Prairie—The Prairie Grove Homestead—Senator Pettit—Mr. Justice Blackford—The General Assembly of 1853	116
---	-----

CHAPTER NINE

Service in the General Assembly of 1853—The Bench and Bar of Fifty Years Ago—Law, Latin and Legal Maxims—Joseph A. Wright—John A. Wilstach—George W. Ewing—Albert G. Sloo—Mr. Justice Worden	135
--	-----

CHAPTER TEN

Political Campaign of 1854—Campaign of 1856—Ashbel P. Willard—Democratic Mass-Meeting at the Tippecanoe Battle-Ground—General Lewis Cass of Michigan—The Prophet's Town—Election to the Legislature in 1858—A Contested Senatorial Election—Doctor Graham N. Fitch—Doctor John W. Davis	153
---	-----

CONTENTS

CHAPTER ELEVEN

	PAGE
The Democratic State Convention of 1860—Canvass for Lieutenant-Governor with Oliver P. Morton—The War of the Rebellion in 1861—War Meetings and Measures—Canvass for Congress in 1862 Against Schuyler Colfax	183

CHAPTER TWELVE

The Senatorial Election of 1863—Senator Lane—Albert S. White—President Lincoln—Chief Justice Taney—Democratic State Convention of 1864—Gen. Mahlon D. Manson—Second Race for Congress Against Mr. Colfax—Third Race for Congress Against Colfax, His Success and Subsequent Election to the Vice-Presidency	199
---	-----

CHAPTER THIRTEEN

Indiana Statesmen at Washington in 1869-70—Senator Pratt—Colfax and Morton—Canvass of 1872—The County of Brown—James S. Hester—Election of Mr. Hendricks to the Governorship	214
--	-----

CHAPTER FOURTEEN

Election to the Legislature in 1874—Joseph E. McDonald—Thomas A. Hendricks—Benjamin Harrison—Last Fugitive Slave Case in Indiana—Mr. Justice Davis—Judge Walter Q. Gresham—Campaign of 1876—Antecedents of the Campaign—Prior Course of Political Debate—Candidacy of Samuel J. Tilden—Gov. James D. Williams	232
---	-----

CHAPTER FIFTEEN

Revision of the Statutes of Indiana, 1879—James S. Frazer—County and Township Government—Campaign of 1880—William H. English—William S. Holman—Disappearance of Ancient Customs and Institutions—Exit of the Camp-Meeting and Joint Discussion	251
--	-----

CONTENTS

CHAPTER SIXTEEN

	PAGE
Fourth of July, 1881—Assassination of President Garfield— Independence Day at Kentland—The Declaration and Ordinance of 1787—Articles of Compact—The Centennial of 1916—Rural and City Government—Internal Growth and Development of the State—Campaign of 1886—The Off Year—Senatorial Election of 1887—The Dependent Pension Bill	267

CHAPTER SEVENTEEN

Canvass of 1892—The Stump Speech—Comparison of the Speech and Press	289
--	-----

CHAPTER EIGHTEEN

In the Senate of the United States—Session of 1894—The Nicaragua Canal Bill—The Constitution of the United States	304
---	-----

CHAPTER NINETEEN

Third Election to the Senate—Governor Claude Matthews— Election of United States Senators by the People—Cam- paign of 1894—Daniel W. Voorhees—Campaign of 1896— Party Schisms—Those of 1848, 1860 and 1896	329
---	-----

CHAPTER TWENTY

In the Senate, 1896-1898—The Republics of Cuba and Brazil— Foreign Relations—Cushman K. Davis—The European Family Compact—The American Compact—Italy and the Latin Races—Robert Dale Owen—The Doctrine of Monroe	348
---	-----

CHAPTER TWENTY-ONE

Campaign of 1898—Ancient Worthies of the Hustings in In- diana—Tilghman A. Howard—His Career and Character	378
---	-----

**SKETCHES
OF MY OWN TIMES**

SKETCHES OF MY OWN TIMES

CHAPTER ONE

IN THE FOREST PRIMEVAL—THE HOMESTEAD—THE GARDEN—THE DOUBLE LOG CABIN—THE BAPTIST MONTHLY MEETING—THE SERMON OR DISCOURSE AND WHAT FOLLOWED IT

The recollections of my boyhood all gather round a log cabin which stood in the early thirties on the south bank of a small stream. This branch ran west from our place for about two miles, to a point where it entered into Sugar Creek—whence the waters of both flowed together until they fell into the Wabash River on its eastern side, a short distance below the old town of Americus. The cabin had been completed but a few days when we moved into it, and was built upon a tract purchased by my father, at the public land-office in Crawfordsville some years before. Our new dwelling was made of rough logs, laid up in the bark, and covered with clapboards. These clapboards, well laid, make a better protection against rain and snow than the common shingles, which were used, at that time, very little in the country. The clapboards were riven from

oak blocks with the frow, and shaven smooth on the upper side with the drawing-knife.

The floors were made of puncheons—large slabs of hard wood, three feet wide, three or four inches thick, with a length of five or six feet; these were split from blocks of the proper length and smoothed on the upper side with the adze. The puncheons did not rest on the ground, but on pieces of timber called stringers or sleepers, which were squared, leveled on the upper side, and joined into the lower logs of the house a little above the surface. The floor of the loft or attic-story of the main house was of sawed plank, closely joined together at the edges. The doors and windows were fitted into their places in the wooden walls more neatly than one would now suppose it could be done with such materials. The cracks between the logs and around the frames of the different openings were chinked, that is, filled with small pieces of wood fastened with wedges or nails, and then carefully plastered with clay until the crevices were closed.

The chimney and fireplace were prominent features and were of large dimensions. A man might enter the chimney from the hearth with slight stooping. The hearth and the bottom of the fireplace were of beaten clay tamped down heavily with the maul. The front of the fireplace was ten feet wide, the back six feet; the fore-stick and backlog of the winter fire were of corresponding size and length. The chimney was built of split laths and clay-plaster, both specially prepared for the purpose. Our chimney was de-

signed and built by an artist, then called a chimney-witch, one quite noted in the settlement, who had made it his study from long experience to determine just how the flue should be framed and shaped so as to draw all the smoke upward and yet allow the heat to be thrown forward into the room. It was not every one who could make a good *cat-and-clay* chimney, so called for the reason that in the first settlement of the country, the down or fuzz of the cattail flag was used in mixing the clay mortar with which it was plastered, both inside and out.

It was surprising how these primitive structures withstood the action of fire. I remember seeing, from time to time, the charred remains of log cabins, destroyed by the flames, among the ruins of which stood erect the cat-and-clay chimney.

Our cabin was divided on the ground floor by a close wooden partition, in which a door was hung, opening into a bed-room, lighted by a window in the west. The east end of the building was occupied by a large apartment called the sitting-room, that had a back and front door nearly opposite each other; it contained the mantel and chimney, and was lighted by a front window in the south. The loft or upper story was low; a man might stand erect in the middle of it, but at the sides not without stooping. It was divided by a partition like the room below. In the west end was the spare bed and guest-room. In the east end of the loft the boys of the family slept. Our dormitory had a small window in it near the southeast corner, which we

named *Wake up*, because when the first light of the dawn appeared there, we were called and it was time to rise.

The kitchen was a lean-to, on the back or north side of the house at the west end, with a door in its east side and a window opposite. It was built, roofed, and floored like the cabin, but the story was lower. The kitchen-hearth and chimney were large and wide. The bright tin reflector for baking, the spit for roasting, the iron crane with its accompaniment of kettles, and the spider constituted the furniture of the kitchen, and although its utensils were not so numerous as at present they were well adapted to their several uses. We often spent a winter evening in the kitchen, and were amused with the concert of the crickets on the hearth. Their notes were clear and cheerful, not loud,—we listened to hear them. This fireside music gave a very quiet and homelike presence to the scene. But the stove, the range, the furnace, and the register have long ago banished the romance of the hearth, and these minstrels of the ingle-nook have since disappeared from our homes.

The well was in the L or angle made by the house and kitchen, some distance from either. It had been dug and curbed before the house was built, my father being determined to have the certainty of a good supply of water before other improvements were made. The water was excellent, and was drawn by means of a sweep. The bucket was of oak, iron-bound but not moss-covered. My mother was well acquainted with the pretty stanzas of Woodworth's con-

cerning the "scenes of my childhood." Nevertheless the bucket was scoured and kept scrupulously clean. She said that although the moss-covered bucket might be a very picturesque idea in a poem, yet in the plain prose life we were leading it was better to have the bucket without the covering.

Our house stood upon the shoulder of a bluff or small hill, which rose perhaps twenty feet above the level of the waters in the creek, and sloped down gently toward the north to the edge of the stream. Toward the east the hill ran down a short way to a little hollow or ravine, and just across this hollow were the stable and other out-buildings of the farm. The house and barn-lot being inclosed by separate fences, stood apart and left an open lane down to the creek or branch, as we called it, by which the horses and cattle went for water. About forty acres of the land had been cleared and made ready for the plow, but the dwelling and other buildings were not within the line of the main clearing; it was better to have a lane between the small inclosures of the house and barn and the larger fields.

Although there was no public road of any kind running by the house, yet it was easily accessible from the east or west; the branch made its approach from the north more difficult. The high woods in which we lived were open, singularly free from brush and undergrowth; you could ride on horseback or drive a wagon in almost any direction without meeting any obstruction except the trees. A fallen trunk might here and there stop the way; sometimes this was chopped in two,

and the ends thrown apart so as to allow a team to pass between them, but oftener we drove around the log rather than cut it.

Our house-yard and garden contained about an acre, which was inclosed by rough split pickets or palings. The garden was soon plowed, harrowed and planted with the ordinary vegetables. Their growth in this virgin soil was rapid and luxuriant, especially that of the vines. These had been planted by way of precaution close to the western boundary of the garden. They ran riot toward the latter part of the season; they climbed over the fence, spread away beyond it, and cucumbers, gourds and squashes hung upon the palings outside. Besides the vines and vegetables, my mother had a bed in the garden, prepared under her own eye, which she called the health-plot. Here were found such old-fashioned herbs as sage, mint, rue, cummin, lavender, anise, thyme and basil—each in its own row. The more hardy herbs, the hoarhound, catnip, tansy and horseradish, were banished to the fence corners. The earth was not disturbed at all near the cabin. Nothing grew around the house except the grass, which was kept short by the scythe. The house-lot being cleared of weeds and brambles was soon covered by a turf of bluegrass, which seemed indigenous to the soil.

There were no flowers in the garden. The ready bloomers, such as the sunflower, the ragged sailor, and the hollyhocks were planted round the well, not too

close to it, where they grew tall, flowered profusely, and in summer made a gaily colored screen for the curb and the iron-bound bucket. The choice flowers were planted in a bed made in the front yard. Here grew pansies, pinks, marigolds, four-o'clocks, touch-me-nots, the larkspur, with the blood-red poppy and the peony. It is not likely that many of these old plants and flowers may be found in our modern gardens or conservatories, but they may all be found in Shakespeare, Milton or Isaac Walton. They are Anglo-Saxon classics. They have now become exotics, not of another clime, but of a former age. Yet their very names are redolent of the mother-tongue, and since they were strangers in the new place where we settled, they deserve the courtesy of mention.

I was acquainted, several years ago, with a gentleman of wealth and leisure who had undertaken the project of making a Shakespeare park or garden, which should contain growing specimens of all the trees, plants, shrubs and flowers, mentioned in the works of the poet. But he found, upon consideration, that the poet's plant-zone was too extensive and varied to be reproduced in our climate. He then determined to compile an herbarium after the same design. When I saw this, the last time, it had reached the compass of three volumes. Each page of the book held one specimen, a mounted flower or leaf. Above it was the name, below was a copy of the line or verse, in which the name appeared, with a reference to the act and scene of the

drama in which it occurred. The volumes were elegantly bound, numbered and lettered "Beauties of Shakespeare."

Our cabin with its lawn and garden, in the familiar patois of the country-side, was a *right likely place*. We learned to like it very much. There were, however, in the settlement several better places than ours—others not so good. In those days the cabin of the settler was sometimes built in the woods, with the trees standing all round it, uninclosed; the melon and truck-patch were in the rear, protected by a brush fence.

Then again you might find another cabin in the corner of a field, thus inclosed but kept otherwise without much attention to its surroundings, weeds and brambles growing close up to the doors and windows, and in the outside corners of the cat-and-clay chimney. Sometimes the cabin stood in the middle of the field; and the owner would tell you that he had placed it there because he wanted to live close to his work. The corn-rows ran up nearly to the house, and in the late summer entirely concealed it from view; the foot-traveler might pass the place many times without seeing it, and if he wished to reach the house he must find the bars in the fence; there he would take a well worn path which led through the growing corn to the door. These cabins were exceptional. It is not to be understood, however, that their inmates were in any way disparaged, forlorn or degenerate. They tilled their lands and gathered their crops, like their neighbors, and dealt with them on terms of entire equality. These

people of the off-cabins were poor neither in spirit nor in goods. To use the phrase of that time, they kept a good house, lived in clover, and cared nothing for trifles. Their external appearance and surroundings were merely the effect of careless and contented indifference, and betokened rather the abundance of subsistence and resources than the lack of either.

There were several double log cabins in our neighborhood. One of these was the home of a Kentuckian, a man of some means, who had sold his possessions in his native state, bought a large tract of land in our country, and had been living on it some years. His double cabin was built of hewn timber, the yard around it was filled with choice shrubs and fruit trees brought from the *old settlements over the river*, by which words he always described the country of his former home. The sides and ends of his house were bordered all round by a broad strip of sand and gravel. This kept the house dry and afforded no nesting for the numerous insects, winged and wingless, which in warm weather were troublesome. The gates and fences of the house-lot were of plank, its walks were well laid out and covered with gravel. He lived near Sugar Creek, sometimes called Big Sugar, and made good use of its long-accumulated deposits. The space between the two cabins in such a house was known as *the entry*, and was wide and roomy. The entry in this house was roofed with clapboards, and its floor was of clay and gravel beaten down hard and smooth. It was open at both ends; you could stand or sit in it, in the

hottest day of summer, and yet feel a cool and refreshing draft of air in its shade.

The owner of this mansion was a typical pioneer, stalwart and wise, full of activity and enterprise, fond of his farm and well skilled in its management. He was withal a religious man, strictly such in precept and practice, and, as he phrased it, of the *Baptist persuasion*. When the Baptist minister came, as he did once a month, to preach in the neighborhood, the meeting was held at this house, and the double log cabin was a very good place for that purpose. There were at that time no church buildings in the country and we seldom went to town on Sunday. The crowd assembled at the house named at the time appointed, of which notice had been given. The preacher took his place in the middle of the entry; before him was set a small stand on which lay his Bible and hymn-book. The women were seated in the rooms on one side of the entry, the windows and doors being open, and the men in the same way on the other side. Separate seating of the sexes at church was rigidly observed at the time, and indeed for many years afterward, both in town and country. All the children sat together in the entry just in front of the minister, but one or two of the elders sat with them as monitors.

Service began by reading a chapter, followed by prayer. The hymn was then lined out, and a person somewhat acquainted with music led in the singing; the audience joined in with vigor and evident satisfaction. The parts, bass and treble, were carried in the ex-

ercise, for the winter singing-school was already an established institution and the singing-master a well known public character. Then came the reading of the text and the sermon, or, as it was more commonly called, the discourse, which lasted always an hour, sometimes longer.

During the whole service there was the utmost decorum, no chatting either aloud or in undertone; even whispering was regarded such a breach of good manners that it seldom occurred. The discourse was listened to with special interest. The service was plain; the place where it was held abounded in flowers, but there was no bouquet on the preacher's stand, none on his person, nor were any flowers worn by the hearers. This extreme simplicity in religious exercise was not due to any lack of respect or regard; it was rather due to an excess of reverence for the sacred character of the time and place—an over-anxiety to avoid anything which might even appear to be out of harmony with the propriety of the occasion. Reverence seemed to be a natural trait of the hardy backwoodsmen—it fitted them like a garment and was deeply imprinted upon the hearts and minds of their children.

At the close of the sermon another hymn was sung, followed by a brief prayer and benediction. As soon as meeting broke, to use the vernacular of those days, the people crowded round the minister to exchange greetings; many also shook hands with their host, thanking him for the opportunity of hearing the

Word, and hoping that the family had not been too much *put out* by the presence of such a large congregation. The host modestly disclaimed the thanks, said all were more than welcome, and heartily invited them to come again. As the people went homeward they talked by the way about the meeting, the singing, but chiefly about the discourse, which usually became the theme of conversation in the neighborhood for many days afterward.

It may be said they had nothing else to talk about—but this is error. They had the paper from the East with its column of news from Washington and of Foreign Intelligence. They had the county paper, the Delphi Oracle, named from a famous Greek original, with its local items and home articles; they had grave questions of early state policy, and always some election pending, for the sessions of the legislature were annual, not biennial as now. There was no scarcity of other topics for conversation. This predominance of religious subjects in the ordinary social intercourse of those days was due to that abundance of the heart spoken of long ago. Religion had a real place in the daily walk and actual conduct of men. The Vine and the branches took a strong hold of life and bore fruitful clusters of Eschol in the wilderness.

CHAPTER TWO

LIFE IN THE BACKWOODS SEVENTY YEARS AGO—THE
WINDFALL — MAKE-BELIEFS — WILD FRUIT AND
FLOWERS—THE HIGH WOODS—THE HOME SCHOOL
—THE GRIST-MILL

Boy-life on the farm seventy years ago was very free and joyous. Even the work was like play while it lasted. After breakfast in the planting season, those who were old enough took their hoes, and went in pairs to the cornfield. One walked before and made a sort of bed in the plowed furrow for the corn-hill, the other dropped the seed-grain and covered it. The work of planting and tending was all done by hand with the hoe. Shovel-plows and cultivators, machinery of a later date, were unknown, and the stumps and roots in the new ground were too numerous, strong and tough, to allow their use. Corn was sometimes planted so close to the stump of a tree that it was hard to get enough earth to cover it, yet the hill grew as thriftily as others. The genial sun wrought wonders in that fertile soil. We always had three, sometimes four, stalks of corn in a hill; they grew rank and tall, each bearing two, and sometimes three or four, full ears.

After the corn-crop was laid by for the season we had a long vacation. Just across the creek, north of the cabin, there was a windfall, a space of two or three acres, which some ancient hurricane had, many years before, swept over and cleared of trees as completely as if the ax had felled them. Their huge trunks, torn up by the roots, lay tossed and crossed on the ground just as they had fallen. A few young trees of the second growth had sprung up here and there, but there were many places in the windfall, quite open, covered with a thick turf of grass. This was the playground. A great deal of our time was spent along the banks of the creek, and we never tired of playing in its waters. We built stepping-stones across it so that other members of the household could pass over dry-shod; as for ourselves, we went barefoot during the warm weather, and ruefully greeted the latter days of November, when we became unwilling martyrs to shoes and stockings.

Long excursions were made up and down the creek, and more than once we undertook a special journey of discovery. It was well known to us that our branch emptied into Sugar Creek about two miles to the westward; we wanted very much to see this place. We started on an expedition to this point, but some strange sight or sound in the dense high woods turned us homeward. We were very glad as we came back to get near enough to catch a glimpse of the open sky over the clearing and the white top of our landing-post. The journey to our new home had been made partly by

steamer and partly by wagon. We made believe that the steamer might run up the Wabash to the mouth of Sugar Creek, and then come up the branch past our place. We had set in the earth near the stepping stones a post made from a young linden tree, stripped of its bark, as white as if it were painted, so that the boat might be tied up and stop a while at our landing. These make-beliefs of childhood constitute the elementary groundwork of all the fiction in the world, both in respect to readers and authors; and although often wild and improbable, they are never irrational upon the facts supposed. So the writer of the novel or romance, though he is well entitled to traverse the whole realm of fable, must yet confine his story within the bounds of reason, as applied to the circumstances of his chosen theme and characters, else his labor is vain. His work will be disregarded, not because it is untrue in fact but because it is false to the assumed conditions. False fiction is detected more readily than false argument. The faculties of taste are less difficult of exercise than those of the understanding.

We spent part of the day in summer gathering wild fruits for the table. In the open spaces, like the wind-fall, they abounded. Raspberries, blackberries, dew-berries and plums were fine fruit; the season closed with papaws in the late autumn. Every day also we gathered wild flowers and took them home. The flora of that early time was rich and varied. A bright scarlet lily was found in the shallow waters, and among the banks and braes of Little Sugar we had dis-

covered two or three places where the lady's-slippers grew, the yellow-golden and the purple-white moccasin flower. I can see them yet, dancing in the wind on their graceful stems; these were great favorites. My mother always gave them the place of honor, the center of the mantel-piece. Although she decorated this room with cut flowers, changed from day to day, there was a more permanent decoration for the fire-place. The mantel-piece was a broad slab of wood fastened high up on the wall above the hearth, and was colored deep blue with a dye of indigo. On this mantel were placed two earthen crocks, filled with mellow mold in which were planted seeds of the morning-glory; the vines ran downward, covering the fire-place with leaves and blossoms. They were in the light, but always in the shade so that the blooms remained open all day and made a curtain dotted with red, white and blue.

My mother had a theory that the flowers growing upon vines were more vivid in their hue, when the vine ran downward; that more of the plant-strength thus went into the bloom, since none of it was needed in climbing. We had often noticed a wild Virginia creeper in the edge of the clearing, that had climbed thirty or forty feet to the first branch of a tree, and then stopping as though tired with the labor, it had turned and run downward, hanging from the limb. Its clusters of blossom were larger than usual and were richly colored; they looked from a distance like some kind of beautiful fruit.

This flowery curtain in front of the fireplace lasted all summer, and far into the fall. But on a frosty morning late in the season, when the boys came down from the loft, they were surprised to see a fire lighted at the hearth; the curtain of many colors had been rolled up like a scroll and thrown into the rear of the chimney to be consumed in the burning; at the same time we could read upon a slip of paper pinned to the wall these words: "The flower thereof falleth, and the grace of the fashion of it perisheth."

When the fruits and flowers were all gone we commenced gathering the nut crop—walnuts, butternuts, shellbark hickory-nuts, and the nuts of the chinkapin oak. The chinkapin is as edible as the chestnut and quite as good, though not so large. The tree is a species of white oak, rare even then, now seldom met with.

In winter, part of our work was to gather and carry into the kitchen the finely split wood used in cooking. And when it was so ordered, for special use, we took in a lot of hickory bark, a good supply of which was kept in store, as choice fuel. I have since seen and used many kinds of fuel, but the hickory shellbark is by far the best. It is clean, easily handled, it kindles readily, it burns with little smoke, the heat is intense and lasting, the ash small and light. The ashes of the hickory bark, when nothing else was burned, were carefully gathered up and put away in a safe and dry receptacle. Afterward, during the killing season, the choicest hams were selected, and having been salted, smoked and dried, they were laid away among

these white feathery ashes where they remained until March, April or sometimes much later. These were called *hickory hams*. They had a very pleasant odor, as well as flavor, and when sliced and served at the table, made so dainty a fare that the most fastidious gourmet who haunts the purlieus of Delmonico might well envy those who partook of it. The genuine hickory ham was seldom seen in the market; it was reserved for home consumption.

Every farm had its sugar orchard, a group of maples of large and vigorous growth. These yielded in the first thaw of spring a flow of water sweet and pure, from which were made the choicest varieties of sugar and syrup.

The farm was a microcosm, a little world of its own. Almost everything of daily use was made or substituted from its products—everything except salt. Money was scarce, and salt was dear, but salt we must have; for that there was no substitute.

The wild fruits, flowers and nuts which we gathered all had their being and growth in the forest and many of them have disappeared with it. The forest, or as we called it, the High Woods, was the dominant physical phenomenon in our lives. It was the ever-present boundary of the field, the farm and the whole visual horizon. The clearing was a mere patch measured by acres,—the forest, by miles. Even in winter its dark giant trunks, with their overhanging branches thickly interlaced, inclosed us like some vast rampart built

for our defense. Yet we labored day after day to destroy it. These noble trees, centuries old, standing erect as marble columns, and running from the ground fifty, sixty, sometimes eighty feet without a limb, were treated as enemies. They were split in pieces, they were burned, they were sawed asunder, without a thought of pity or regret. They furnished us with materials for houses, fences and fuel, and we thought ourselves better off the more we wasted and consumed.

In many cases, if even a portion of the growing timber had been saved from the ax, it would have been worth, in a few decades, more than the land on which it stood. This is not, however, the only instance in which supposed present necessities have frustrated the greater gains of the future. In these latter days, traveling in various parts of our state, I have been sometimes invited to look at tracts of land yet covered by the virgin forest, but have found such places to be rough, or overflowed, not arable. The trees I saw were pygmies in comparison with those I recollect. Large trees, closely massed together, are produced only in rich deep soil of durable fertility. The best trees were found on the best land; this was the cause, both of their excellence and their destruction.

The prolonged existence of the pineries in the North has been somewhat due to the sterility of the soil in which they flourished, and they may for the same reason be replaced by a second growth. We, however, can not expect that the rich wheat, corn, and meadow

lands of Indiana will ever again become forest. This primeval forest, like the Indian warrior who hunted in its shade, is gone, to return no more.

There was but one school-house in the settlement; it was used only in winter; it was four or five miles from our place, the weather was cold, and the way too long. Children were taught the rudiments of learning at home. In summer-time there was no regular day set for this purpose; we took our lessons once or twice a month. But in the late fall, the early spring and all through the winter, Thursday and Saturday were lesson-days in the afternoon. My mother sat at the end of the table, we at the sides. We learned to read, to write, to cipher as far as long division. The pens were made of goose or turkey quills, the ink from walnut-hulls; it was dark brown, had a good flow, and our work was quite legible.

Those of us who were old enough read in turn from some book taken from my father's collection. He had about thirty books—a large library for the time and place. Among these were *The Pilgrim's Progress*, a history of the United States, *Weems' Life of Washington*, where the story of the cherry-tree first grew, the *Life of Marion* by the same author, an abridgment of *Hume's English History*, *Cowper's Poems*, and *Robinson Crusoe*. The exercise lasted about three hours. My mother was an excellent teacher; we all made fair progress, anxious to please her. On Sunday we read from the Bible in the same manner, either the Old or New Testament. She accompanied the read-

ing with explanations, plain and simple, and afterward asked questions to test our memory. Sometimes the children from a neighbor's house would join us in these Scripture readings and we would return their visit. This sort of Sunday family Bible-class was not uncommon in the neighborhood, nor was the home-school.

Our family did not belong to the first generation of emigrants to Indiana. The period of their settlement was that of the early days of the grist-mill. The first settlers did not have these—they used only the hand-mill or the horse-mill, sometimes called the corn-cracker. Our stock of meal and flour was procured from mills of the old style, run by water-power. They were located on some of the larger streams, the Wild-cat or Wea, at a distance from our home. Ordinarily there was no trouble in getting the grist and bringing it home. But twice a year, during the spring floods or the fall drought, the waters became either too high or too low to grind; these two extremes had the same effect—there was no flour or meal in the house or in the neighborhood, for we borrowed of each other until the last sack was gone.

Of course under these circumstances there was a dearth—a scarcity—but it was of bread only; there was no famine in the land. When the boy with the empty meal-sack had made his last round, we still had plenty of milk, meats and vegetables. Then the hominy-block was brought out from a dry place under cover, where it was usually kept. It was a large block

of hard wood, oak or hickory, in the upper end of which was a cavity shaped like a mortar, into which the shelled corn was poured, and then pounded until the grains were sufficiently broken, and the hominy was made. This viand well prepared would fully satisfy hunger—and even taste, if it were not too fastidious. When this dearth occurred in the late summer we resorted also to succotash—a lordly dish of Indian tradition and descent, wholesome and savory, tempting to the appetite. I have always thought that the mess of pottage, which cost Esau so dear, must have been some sort of succotash of the Orient. Furnished with these temporary supplies we waited until the drought or the flood had ceased and the mill-wheels turned again.

Many praises have not unworthily been bestowed upon the pioneer merchants and innkeepers of Indiana, but surely our pioneer millers well deserve a share in these laudations. The pioneer miller must needs have been a man, adventurous, hopeful and persistent. He must have had some capital in money. He had to purchase his mill-seat and the land adjoining it, to build his dam, dig the race and put in position his wheels and other machinery, having first built a house large enough to inclose and to protect this mechanism. Having chosen his site and completed its improvement in a new settlement, where such a convenience was needed, customers would come, grists would be ground and tolls would accrue.

But how should he dispose of his product? He

could not sell to his customers; they had their own supplies. The transportation by wagon to any other market was slow and laborious. It is probable that the miller's legendary *golden thumb* did not grow rapidly in our back settlements. Nevertheless our first millers did well in the course of time, gradually but certainly receiving the recompense of their earlier risks and enterprise. I can see the miller of *lang syne* very plainly yet, leaning over the open half-door in the mill entrance, measuring with his eye the contents of the sacks as they were delivered, and chatting with his customers about the news of the day. The grist-mill in the country was a well known locality. Its doors were garnished with notices of all kinds; it was often the site of a post-office, a favorite place for holding public meetings, and the center of local intelligence. But all this is now changed. The old mill with its brush-dam, overshot wheel and wooden forebay is almost forgotten. Steam, that unsparing revolutionist, has swept it away.

CHAPTER THREE

THE HARVEST—THE HARVEST DINNER—THE STUBBLE-
CALL—HOLIDAYS—CHRISTMAS AND NEW YEAR—
THE SANG-HUNT—ELECTION RETURNS—THE GEN-
ERAL MUSTER—THE SEAMSTRESS AND THE SHOE-
MAKER—INTERSTATE COMMERCE—PRODUCTS AND
CUSTOMS OF THE SOUTH—THE KEEL AND FLAT-BOAT
—ROADS AND HIGHWAYS—THE WAR OF THE ROSES.

The most notable event in our rural year was the harvest. It was so generally known, so prominent and so regular in its recurrence that it was commonly used as a date of the calendar in conversation and the ordinary transactions of business. In my early practice of the law, due-bills, bonds and promissory notes were often met with that were made payable in thirty, sixty or ninety days after harvest. And these instruments were always held valid, because, although the time of maturity was on their face uncertain, yet it could be made reasonably certain by proof otherwise.

Harvest was the season of the great summer festival. It occurred in July when the wheat matured. Though the acreage was not very large, yet the fields ripened about the same time and must be cut before the grain became over-ripe; five or six farms united to make the

harvest-force. The work was done with the rake and sickle.

The entertainment of the harvesters was somewhat elaborate; it was no banquet of Barmecide. Meals were usually served out of doors in a long booth, covered by green boughs. The table was bountifully supplied with substantial food, and with a dessert of home-made pastries lavish and toothsome. It was waited upon by the women, boys and girls of the neighborhood, who, after the harvesters had eaten, sat down to a like repast. Conversation was free and lively, but at these primitive harvest feasts nothing was said about the visible supply of grain, the disposal of the surplus, or the price of wheat in the market.

The surplus of the crop was generally bartered away for salt and other necessities at the county town; sometimes, not often, it was hauled by wagon a long distance to a place on the lake or on the lower river and sold for money. Little money was used at harvest-time. Men did not work for wages but for help in turn. All rejoiced together over an abundant crop, not from any consideration of its market value, but because this gave them assurance of seed for the next sowing, and of bread for the coming year.

The average wheat-cutting on a single farm lasted two or three days. When the last shock was capped and finished, the rakes were all stacked around it, the sickles were thrust into it, the whole company of men and boys formed a circle, and, at a signal given by the captain of the reapers, they gave three cheers. We

listened carefully for the echo in return; if it replied three times it was accounted a good omen for the next crop; if more, yet better.

This last ceremony was known as the stubble-call. The blast of a horn from the cabin was heard in answer to it and the harvest was ended.

I do not remember that in those times any particular attention was paid to holidays by persons living in the country. The Fourth of July was regularly commemorated in the towns, but it occurred in a busy season when we could not well leave our summer work. Thanksgiving Day had not yet crossed the mountains in much force. There was no great need of it. Thanks-living is better than thanks-giving. Its introduction into our state was very slow and gradual. The plain people of the farm did not quite apprehend the notion of giving thanks by order. For a long while it used to be called the *governor's Sunday*.

Christmas and New Year's Day were noted; the Christmas dinner and New Year's Eve supper were well known festivities. The supper always ended with a watch-party that lasted until midnight, when blasts from the tin horn, heard from house to house, blew out the old year and blew in the new. There was no special observance of either of these days unless they fell on Sunday. Then they were kept as we kept the Sabbath. Our whole neighborhood and the region round about remembered the Sabbath day. No work except of the most necessary character, no hunting, sport or play, took place on Sunday. Sometimes the

hay or wheat-harvest was carried on during Sabbath, but it was because the crop was imperiled by the weather. When the last day of the old year came upon Sabbath it was called *long Sunday*, as worship and prayer lasted until midnight, at which hour the watch-meeting was dismissed.

At intervals during the season the boys on the farm had time granted them which we called holidays and enjoyed as such. Now and then during the fall and winter we spent the whole day in hunting. We went along to carry the game, and seldom returned without a full bag. Besides the squirrels and rabbits, we often took the wild turkey, the pheasant and quail. We never molested any of these in summer unless it were in actual defense of the field-crops. Three days during the season were always given us to find and gather *sang*. In these excursions we were accompanied by some skilled woodsman. The finding and digging of the ginseng-root was a wild, wandering quest; it required the knowledge of such a person to keep the points of the compass and to avoid being lost in the forest. *Sang* was a cash article in the market, and the proceeds of what we gathered were our own; it was our pocket-money to be invested in the circus-ticket and other like expenses.

Before the era of the railway and the telegraph, it sometimes took many days to ascertain the result of a presidential election. At such a time four or five boys of the neighborhood were sent to town, after the work of the day was over, to get the news. Such a party

started and got to the county seat sometime after night-fall and rode immediately to the stage-office. The agent sat upon his high stool behind the desk; we made known to him our errand. He looked at us steadily for a while to make sure that we were boys from the country, because the town boys sometimes annoyed him unnecessarily with such inquiries. When he was satisfied upon this point he would answer: "Boys, I'm sorry, but there was nothing on the way-bill, no word by the passengers, and I can not tell you how the election has gone." We then returned no wiser than we came, but we had enjoyed the ride, the company and the adventures by the way.

Our clothing was mostly home-made; the materials for it were spun and woven from flax and wool. The garments were cut out and made up at the house. This was the business of the sewing woman, as she was called. This lady was unmarried, of uncertain age, and lived with the family of a brother, perhaps ten miles away. In her calling she was deft and skilful, having had many years of experience in making and fitting, handling always the same kind of material. Usually she came to the house twice a year to make garments needed for the change of the seasons. The circuit of her labors among her patrons was large, and she was a sort of organ of communication between the families. She had thus great temptation to be, or to become, a gossip. Yet no one was ever less of that character. Still she was by no means morose or taciturn. Facts within her own knowledge were al-

ways freely spoken of; those heard from others were detailed in like manner, the authority being given. She was frank in statement, discreet in recital, chary of opinion, and joined in no contumely,—a woman of such studied tact and judgment that, moving in a sphere more notable, she would have acquired distinction from these qualities.

The children of the house soon became attached to her. She told them stories and told them well, about the old Indian wars, about the ghosts and the fairies; but these last always with such a quiet smile and look of incredulity as to undeceive her hearers; for there was a religious cast of mind in her whole conduct and conversation—a regard for truth not to be tampered with.

The shoemaker lived in the neighborhood and came to our place once a year to make or mend what was needed. His sons were well grown and did the work on the farm while he wrought at his trade. He was a small man, a little past middle age, cheerful and very talkative, but devoid of any sort of malice. The shoemaker was one of the oldest Hoosiers I ever met. He had come here when a small boy, with his father's family, about 1795; they had first settled in the southern part of the country, before Indiana was known as a state or territory. He was, in the vernacular of those days, a great *Scriptorian*. Without stopping in his work he held good-humored, though animated conversations with my father about the meaning of certain texts and the best methods of Bible-living.

We were much interested in some of the accounts he gave of his youth and boyhood. The Indians then were numerous and dangerous. The people of the settlement where he had first lived had a large blockhouse built like a fort, with a stockade round it, where they took refuge against these enemies. Here fifteen or twenty families lived together sometimes for weeks. They usually had provisions to stand a siege of some length, but although the blockhouse was near a stream they often suffered for want of water. Once, as he told us, the Indians had surrounded them in force for several days and the people suffered from thirst. Parties of white men had gone out with buckets toward the stream, but the Indians lying in wait under cover had fired upon and wounded them, and had driven the watermen away. A woman bravely ventured out, ran to the stream, filled her pail, and was returning when a bullet struck it out of her hand, though she reached the fort safely. That same day, in the afternoon, there came suddenly a high wind and a heavy fall of rain. The men were on duty at their posts, but the women and children of the little garrison caught the rain-water in all sorts of vessels at hand and thus secured an abundant supply. He always spoke of this as a Providential intervention; the people believed that Heaven had aided them in their necessity.

In this way we learned that our first settlers met perils and privations in their time of which we had no conception, except as they were related by those who had survived them.

The general muster was a meeting at the county town of the militia of the county for the purpose of instruction in battalion and brigade drill and other manœuvres. It was held in the late summer-time, after the crops had been laid by. All persons subject to military duty were notified to attend and take their places in the companies and regiments to which they had been assigned. There was always a large number of spectators. The militiamen were not uniformed, but usually came in their ordinary clothing; their weapons were of no particular pattern—rifles, shot-guns, yagers, carbines and muskets—with which they went through the manual of arms.

This military force has been sometimes called the *cornstalk militia*. I never saw any of the men carrying cornstalks for weapons. Some of them wore corn-tassels in their hats or caps; this may have given rise to that sobriquet. Of course such a motley array presented, either at rest or on the march, an untoward and disorderly appearance. It brought to mind Falstaff's review of his recruits: "Well, I'll not march through Coventry with them, that's flat."

The crowd of spectators chaffed the soldiery in a friendly but humorous style. Some of the older men among the bystanders, who had seen actual service, joined in the sport and criticized the awkward gait and movement of those in the ranks. It was evident that this form of military service was fast going to decay. The last time I recollect seeing these exercises, all the companies and regiments of the brigade were marched

into a large field, where, either from some error in the commanding officer or from some misunderstanding, the whole body became mingled together in such inextricable confusion that we heard the captains order the men to take to the fence, which they climbed over, formed on the outside and went to headquarters where they disbanded. As no rations were furnished, a very vigorous assault was made, after parade drill, upon the booths and wagons provided with refreshments. These hungry warriors were, however, quite peaceable; no violence occurred; each provided his own commissary, purchased his meal and commenced his journey homeward.

Before I had attained the military age the general muster had fallen into disuse, and has long since become only a quiet tradition of the past.

Several of our neighbors had made the journey down the river. Flat-boats were built at the towns or landings on the Wabash, loaded with beef, pork, meal, flour, and other staple products, and thence floated down the Mississippi to the great southern mart of New Orleans. These vessels, which were made large and stanch, usually went in fleets of eight or ten together, the crews being taken from the neighborhood in which they were built and launched. They started on this voyage generally in the early spring; sometimes they waited for the June rise, or occasionally they left home in the fall. The voyage lasted six weeks.

When the boat and its cargo had been sold the crew

returned by steamer to their homes in the North, though the old river-men, before the time of steam navigation, made the return on foot. These river-men, as they were called, brought us strange accounts of the countries in the far South. They told us of the magnolia, the cypress, the live-oak, of the fields of cane and cotton, and of the large and populous plantations which they visited on their route, where the overseer would buy almost a whole boat-load of supplies. They had seen also the negro slaves, men and women, working on the plantations, and the guards armed with guns and whips, who watched the hands at their labor. They told us, in an undertone, that this was very hard to look at; that it was all wrong, but that the law allowed these things. Such was the anti-slavery sentiment in its origin—in its infancy, faint and feeble, yet earnest.

The river-men brought home with their earnings specimens of southern products, dry twigs and leaves of the evergreen oak, Spanish moss, joints of the sugar-cane and stalks of the cotton plant, with the boll and blossom. One of the river-sailors had brought home with him some seeds of the tomato. He gave a few of these to his acquaintances in the settlement. They were planted and grew thriftily. We had one or two plants in the garden. The fruit was beautiful to look at, but it was used only for ornament, like the fractured ware of Goldsmith's frugal housewife:

And broken teacups wisely kept for show,
Ranged o'er the mantel glistened in a row.

No one thought of eating or cooking them. This old flat-boat man planted a large bed of tomatoes, gathered them as they ripened, cooked and ate them; in fact, he was very fond of them. He told us the almost incredible tale that the negroes in the South ate tomatoes raw, and seemed to thrive on them; that the white folks cooked them as he did. Despite this example, the prejudice against the tomato continued, and it was not until many years after this that it came into general use or was found in the market. The custom of using this now favorite vegetable as food doubtless came to us very slowly up the river from the South. It is the only tropical plant which we have successfully cultivated, and it preserves even in our climate one distinct feature of its southern origin, since it may frequently be seen, during the season of its growth, bearing, like the orange, blossoms, green fruit and ripe, at the same time.

The flat-boat and the keel-boat, besides their use for purposes of commerce, were, in the primitive days of the first settlers, often made use of by them as a means of transportation. In the fall of 1825 a party of five families, residing in Ross County, Ohio, desiring to move farther west, built a large flat-boat, launched it in the Scioto, went on board with their furniture and floated down that stream to the Ohio. Here they exchanged their flat-boat for a keel-boat, in which they ran down the river as far as the mouth of the Wabash; thence they poled, and where the current was strong and swift cordelled their vessel up the

stream to the mouth of Deer Creek; here they landed and permanently settled, becoming the founders of that worthy community now inhabiting the county of Carroll.

About the same time another group of emigrants from Ohio, moving westward, went shares in a flat-boat built near some point on the head waters of the Mississinewa River. There they started and ran down-stream until they reached the Wabash, and thence down to the mouth of Rock Creek, where they disembarked, built the first cabin and cleared and opened the first farm in that neighborhood. Some accident having happened to their craft in the course of their navigation, they made a landing and spent several days and nights on the banks of the Mississinewa near the lands of the reservation belonging to the Meshingomesa band of the Miami tribe of Indians, situated in what is now Grant County. The movers were hospitably entertained by the Indians of this band, both men and women. This particular band of the Miamis had always been friendly to the white settlers and the government. Hence they were not afterward removed to the far West, but continued to occupy and till their lands peaceably, as some of their descendants may do to this day.

Years after this, but now long ago, I attended an Indian payment held not far from the confluence of the Wabash and the Mississinewa, near the present site of Peru. There was a large number of people present, whites, Indians, half-breeds, traders and claim-

ants; among these were some members of the Meshingomesa band, who, hearing that I was from the Rock Creek country, came to see me and made particular inquiries about the white people who had tied up their boat and spent some time with them, in the course of the voyage just related. These tribesmen described their old acquaintances by name, and by significant gestures, showing that they had a clear recollection of the occurrence and of their former friends and guests. One of this party of emigrants was Mr. Aaron Hicks, who subsequently removed to White County, where he held for many years the position of judge of the probate court; he frequently related the incidents of his first journey to the far West. The course of this trip down the Mississinewa and the Wabash in the canoe or pirogue would even to-day, in fair weather, make a very enjoyable excursion.

A friend of mine, not long ago, living near the Ohio River, wished to attend the Industrial Exposition at New Orleans, and had spent some time in considering how he should go there and where he should stay during his sojourn. He built a flat-boat, seaworthy and spacious, fitted it up with a parlor, dining-room, and sleeping apartments; when finished, his family and himself embarked, with several ladies and gentlemen who accompanied them as guests, and so took their departure. They sailed leisurely down the river, stopped at such places as they wished to visit, reached their destination and found anchorage near the foot of Canal Street, within two squares of a car-line which ran to

the exposition grounds. They stayed as long as they wished, and lived on the boat; it was convenient, out of the dust and noise of the city, cool and pleasant at night. When the time came for their return, the boat and its furniture were sold at no great loss, and they took the train for their homes in Indiana.

Old methods of living, long in use, will recur. In a later generation they may return in somewhat of disguise, but they are easily recognized. Here was a party of pilgrims to the South who preferred to make their voyage and to spend much of their time afloat—after the fashion of their forefathers, the flatboatmen of seventy years ago.

Three rose-bushes had been planted in a group near the center of our front yard; one of these was a white rose, the other two red. It happened that a wild rose, whose root had been left in the ground when it was cleared, sprang up very near the white rose. The wild rose grew rapidly, was laden with blossoms brilliantly colored, and its branches overlapped and bore down those of the white rose, which bloomed somewhat, but not as it should, being almost smothered by its more thriving neighbor. After noticing this contest for some time my mother directed that the wild rose should be taken up and removed to a rather rough part of the garden, which she called Galilee of the Gentiles, where it continued to flourish with unstinted vigor for many years. The white rose, released from the struggle with its former antagonist, budded and flowered in great beauty, and grew so strong that its

stems crowded around and clambered over those of the two red roses, so that they were almost completely hidden. They hardly brought half their buds to perfection, and seemed to be deteriorating. Then my mother, saying that cousins so near each other seldom agreed, bade us transplant the white rose to another place in the yard, where it did well and flowered abundantly, as if gratified with its removal. The red roses also grew better and more thriftily; all became trim lady-like looking shrubs, and with their bright tints and large blooms made handsome our home in the back-woods.

Thus peace, tranquil and unbroken, was established in the family of the roses. We called this contest, while it lasted, the War of the Roses. It resembled, in one respect, at least, that described in the pages of Hume's history, both parties in cold weather retiring into winter quarters, the active campaign between the combatants taking place only in summer.

Peace is the end of all true reform. My mother sought and ensured it. She often brought it about in her quiet way among plants as among people, reconciling friends and kindred grown estranged, thinking it no burden to bestow much thought and care in these kindly offices.

Our settlement on Sugar Creek was famous for crops, infamous for roads. The character of the soil was the cause of both. It was a deep, rich friable mold, underlaid by a heavy deposit of clay, so that when the

rains fell in summer, or when the frozen earth thawed in the spring, the roads became almost impassable and so remained for many weeks. These early roads were mere strips, sixty feet in width, running through the woods, from which the trees and fallen timber had been cut and removed. In the middle of the roadway, for ten or twelve feet, the stumps were cut low, so that the axletrees of the wagon might go over them without touching; in the rest of this strip the stumps stood two or three feet high all along the route. There was no attempt at draining or embankment, except at the fords where the roads crossed a river or stream. As the forest came up to the edge of the highway, the heat of the sun had little chance to dry up the pools and ponds in the track. It is true that a pool of water lying in a field was soon drained away by those who tilled it; but no one was much impressed with the notion that transportation was closely allied to production, so the pond in the state road lay untouched year after year. The only effort to improve the very worst places was by *corduroy*, a sort of movable bridge made of logs of suitable length and dimensions, which were laid closely together in the earth and water, and were kept in place by their weight. This made a very rough road, but it could be traveled. It received its name from a heavy, ribbed goods, then much worn for vests and trousers. This corded cloth had been named from a finer fabric manufactured in France and used in the hunting habiliments of the king and his suite, then

called *corde du roi*, or the king's cord. Thus the royal wardrobe furnished a name for our primitive highways.

The first impulse toward road improvement was given by the opening to navigation of the Wabash and Erie Canal. It began then to be realized how important it was to have constant and easy communication with the canal ports and landings. The first form that the improvement took was that of plank roads. This sort of road made an admirable thoroughfare for the transportation either of freight or passengers. For fifteen or twenty years it continued to be the best means of local travel. In the timbered portions of the state many corporations were organized and engaged in the construction and operation of plank roads. But this wooden highway was not permanent: it was much exposed to the weather; it decayed rapidly and repairs became every year more expensive.

The plank road movement had from these causes received a check and was somewhat in decline when the railroads touched northern Indiana. It really seemed for a while after this that the celerity and regularity of the railway, as compared with the canal, had destroyed the interest formerly taken by the people in their facilities for local travel, and that our future methods would be confined to earth roads and the iron rail. It was some time before the use of the gravel road or pike became popular or general. But as this is the best road yet made for local travel and the carriage of commodities, so it is the most permanent. Drainage always

accompanies it, good bridges and approaches are necessary for its successful operation. The region about which I am writing is traversed in all directions by excellent gravel roads, and even the cross-roads are piked.

It would ill become one who lives in this first decade of the twentieth century to conclude that we must now come to a dead stop at what we may deem the highest state of development in the science of locomotion. Before the close of the next century many improvements will be made both in roads and vehicles. All the instrumentalities now in use will seem clumsy, cumbersome and unwieldy. The immense dead weight of the engine, its boiler, trucks and tender will disappear. A motor will draw the train not burdened by carrying the materials that generate its power. Cars and coaches will be much lighter, more portable and more secure. Steam will be employed only in special places and in the heaviest work. Heat and power will be distributed as easily and as generally as gas and water are to-day. The system of rural delivery will have a new meaning and an immense development. Crude fuel, like wood and coal, will not be used except at certain central depositaries. Many noises now extant in the world will be hushed. It will be an age almost without smoke.

CHAPTER FOUR

THE CORN CROP—THE SHOW—EXPANSION OF THE FRONTIER—THE FOUNDERS OF INDIANA

The crop upon which the early settler mainly depended for his own subsistence and that of the live stock upon the farm was corn. Its abundant yield furnished food for the household, and forage for the rack and manger. The refined economy of a later age has found material for manufacture in the pith, the cob and the stalk—all are utilized; even these by-products of corn are of value, though only incidental to its primary use as an article of diet.

Indian corn or maize is, without question, the most remarkable food-plant of our planet. In one hundred days from seeding-time it matures; a single full-grown ear affords more nutriment than many scores of wheat-heads which have required thrice the time to ripen. But the distinctive feature of this plant, wherein it excels all other cereals, is the dateless period of the harvest. Once ripe, it needs no haste in gathering, stands in the husk or shock, unaffected by exposure, not wasting nor shattering from the ear, awaiting the convenience or the pleasure of the husbandman. Like the

rasher of bacon in the pantry, like the spare loaf in the cupboard, it invites to come and cut again.

A field of growing corn, in full leaf, just bursting into blossom, though it be so familiar, is a pleasing sight. One of the old French missionary fathers, almost two hundred years ago, writing to his superior in Europe an account of the corn crop, just then in silk and tassel, tilled by his Indian catechumens, says: "There are no fields so beautiful as these, outside of Paradise."

The movement of wind over a large area of corn in bloom adds greatly to the view, though this movement is not wholly ornamental. The maize, though it be not an anemone, is somewhat of a wind-plant; it is haunted by and craves the breeze. Dull, sullen weather or a still, quiet time during the earing season is not most favorable to its perfect growth. Old cultivators of the crop affirm that corn casually planted in places too much sheltered from the wind does not mature either in the ear or grain so well as that in the more open field. The air in motion is needed to disperse the pollen, and the bending of the stalk to and fro starts the sap into more diffused and rapid circulation.

The Indians, our predecessors in the cultivation of the maize, with some air of derision, called the white men wheat-eaters. Because they gathered their bread in morsels from the seeds of a grass which took many months to mature, when they might, with much less cost of time and labor, have carried it from the corn-field in armfuls.

Yet by far the greater number of mankind are still wheat-eaters, though the ever increasing pressure of the population of the globe on the means of subsistence, the frequent and wide-spread failure of the rice and wheat crop, have within the last three decades largely augmented the consumption of corn, both at home and abroad. Its capacity for export, either in the form of grain or meal, and the abundance and certainty of its annual yield, show plainly enough that at no distant period it will become one of the staple food products of the world. The time is also soon coming when the multiplied masses of our own population will demand that every nook and corner of the land, capable of producing it, be tilled for that purpose. Human wants must imperatively control the course of human labor. Few countries have a larger wheat-producing area than our own. None have any substitute for that cereal that can be compared with corn. The increased consumption of corn by our own people adds to the surplus of wheat for exportation—the appetite and taste of the wheat-eater are thus, indirectly, at least, supplied by the product of the cornfield.

The extent of our area of successful corn cultivation, though large, is not unlimited; it is very nearly identical with that of the blue-grass or the clover. Indiana is near the heart, almost in the center of the corn zone. Of course, there are other climates and places within our borders where the plant will germinate and grow to the stage of the nubbin or the roasting-ear, but as a staple for the market it is not raised much be-

yond the limits thus described. The corn belt compared with the territorial surface of the United States is not too large; compared with the tillable area of the whole earth it is restricted. These considerations disclose the incalculable value of this grand cereal for the future.

Corn may be grown with some success in parts of South America and what is called the Old World, but these regions are not many nor extensive. Nature has given us a monopoly of this treasure; it is an annual gift in perpetuity far exceeding, in use and value, the richest products of the mine. We have the means in opulent profusion, the power almost Godlike in its character, to appease hunger, to avert famine; we are the keepers of the world's granary. A people who hold in their hands the control of the food supply of nations have in their possession the means of undisturbed commercial supremacy. They have easily taken the front place in the grand march of progress, and need little of force or aggression to make their primacy apparent.

Aid to the famine-stricken, generosity toward enemies, magnanimity in our intercourse with other countries not so highly favored—these are the qualities and achievements for which, in the past, we have been so highly renowned, and which yet may well become those who have, for so many generations, dwelt in the land of promise and of plenty—at once the Goshen and the Canaan of the new world.

There was in those early days only one kind of

public amusement, occurring once a year, always in summer. It was billed and advertised as the Hippodrome or the Amphitheater, and under other high-sounding names, but in the racy vernacular of the people it was called the Show. It traveled by the ordinary roads of the country, and I recollect very well a time when the inhabitants of a considerable village, now a city, used to turn out *en masse* to see the elephant cross the river. There was a sort of wagon-bridge at this point, but Pompey distrusted this. He took his time in passing through the ford, and his playful finesse, his feigned manœuvres of returning, his sporting with the waters, were very amusing to the crowd that awaited his arrival.

The grand entry of the show into the county-town was usually made at high noon. First came a gorgeous chariot carrying a band of music that filled the air with sonorous strains. This was followed by a procession of actors on horseback, clad in shining, spangled mail, who wore their helmets with the visors up. Then came a line of wagons escorted by showily dressed outriders, each bearing a banner of some strange device in heraldry,—the whole somewhat reminding the spectator of what is written in the old legends of gay romance concerning the opening of a tournament at arms. It was curious to see these mimic shadows of knight-errantry and chivalry in the backwoods so far from the time and place of their origin.

The most popular parts of the program inside the

pavilion were the equestrian feats. Those in attendance were mostly from the country; every man, woman and child was deeply interested in horsemanship; they watched the bareback riding, the vaulting, the tricks of the well-trained ponies in the ring with unwearied delight and wonder.

The performance closed about five o'clock in the afternoon, and the crowd made its exit from the tent. The boys from the country lingered round the place, and before they were aware of it, often long before they had started for home, the pavilion had disappeared and the circus with all its accompaniments had commenced its journey to the place of its next appointment. The amusement season with us was over for the year.

There were at that time, and may be yet, some well-meaning persons that condemn such exhibitions as decidedly irreligious or immoral in their tendencies; but it should pain the true philanthropist to speak in these unmeasured terms of censure of a species of entertainment so generally patronized. Such a rigid morality makes the multitude of the wicked in this world too large and numerous. No gladiator was slain to make this Hoosier holiday; nothing unseemly was said or done. Our mirth occasioned by the songs, the jests and humor of the clown and his comrades was as harmless as the laughter of children at play. We were not better than our fathers—to them these things were pure.

One of our acquaintances, living about five miles

away, was a Virginian; he had been born and reared in that part of the Old Dominion which then bordered upon the Ohio River, now called West Virginia. He had lived some time in the neighborhood of the Kanawha valley and told us stories about Adam Poe and Big-foot long before we read them. First he had moved into Ohio, then into southern Indiana, thence to the place near us where he had resided some years. He was a man of sixty years, tall and robust. His gait and demeanor were agile and alert. He never took any road or path, but always came through the woods, carrying his rifle on his shoulder. In the hunting season he wore a full suit of buckskin, trousers, vest and coat, and passed through the nettles, burs and Spanish needles with impunity. Frequently he came to see my father and to confer with him: they were members of the same communion, the Disciples' Church. He owned a quarter-section of land, and was a good farmer, but cared only to raise enough produce for his own use.

I heard him telling my father that a new man had come into his neighborhood; that he was said to be full-handed, was building a double cabin and had blazed out a large clearing in the big timber about two miles below his place. My father expressed some gratification at this increase in the number of families in the settlement, and the consequent improvement of the country. The old Virginian dissented; he said the people were getting too thick around him already; that when he first came there he had often shot and

killed a deer from his front fence in the morning and had the steak for breakfast; now it took him weeks to find one. He was reminded that the feathered game was still abundant; but he said that the people were digging up all the *sang*, and that the pheasants and wild turkeys would not stay long in a country where they could not get *sang*-berries to eat; that they would soon go away, and he had made up his mind to go away too. He sold his place the following October and, having rigged three covered wagons for the journey, removed with his household, settling in some part of what is now Kansas or Nebraska, near the Missouri River. Some of us went to bid him good-by the day he started. He was not only cheerful but in high spirits; his whole family were in the same humor, glad to go into the farther West, to see again a new world with all before them from which to choose.

There was even at that day a class of our people who had grown weary of the too close impact of civilization. They had borne a part, a large and gallant part, in the founding of the commonwealth, had subdued the Indians and the forest, but they could not master their own longing for the free and open life of the frontier; it had for them that sort of fascination which the sea has for the sailor. What we called progress and improvement they thought was retrogression and decay. They loved not even the morning of civilization as they did the earlier dawn, though they looked for their dawn toward the sunset, not toward the Orient.

What may be called the modern history of our state

began on the day when General Clark set out from the falls of the Ohio upon his famous expedition against Vincennes. That expedition and its fortunate result first revealed to the people of Virginia and the Atlantic states the resources of the immense region, well-watered, fertile and arable, that lay in the territory of the northwest. The country was not unknown before, but it was unnoticed. The exodus, long continued, which followed this revelation, attested its value and reality. The migration to Indiana during the closing years of the eighteenth and the beginning of the next century, in some respects has had few parallels in the world's history. It was not like that of the ancient Phenicians to Carthage and northern Africa, or that of the Greeks to the shores of the Euxine, or of the Romans to Spain and Britain,—still less did it resemble that of the English to the tide-water regions of Massachusetts, Virginia and the Carolinas.

All these colonists in their removal still retained and enjoyed the means of communication and commercial intercourse with the kindred and countrymen whom they had left behind them. But the emigrants to the country now called Indiana, in that early period spoken of, having passed the last military outpost on their way and gone thence into the depths of the wilderness, were as wholly severed from the world as Columbus when he sailed upon his first voyage into the unknown waters of the western ocean. They were in a condition of extreme, almost total, isolation. They made their home in the midst of a vast forest, for the most part unex-

plored and uninhabited save by roving bands of Indians, equipped with weapons far more deadly than those of the chiefs and warriors who, more than a hundred years before, had attempted with their clubs, bows and arrows, to exterminate the white settlements in the valleys of the Potomac and Connecticut. Whether the pioneer settler reaped, plowed or planted, his rifle must be within reach. Solitude seldom broken, danger always imminent, shadowed his daily life and labor.

Plutarch observes that those who found prosperous states and communities are more worthy of praise and commendation than any other benefactors of the human race. Yet it has been somewhat the fashion, both in writing and conversation, to decry the pioneers and early settlers of our state as being generally coarse, ignorant, lawless and violent. The founders of Indiana were, for the most part, emigrants from the thirteen original states, and they came hither in nearly equal proportion from the North and South. They were the best element of that hardy population which inhabited the long line of the old Colonial frontier extending from Maine to Georgia. Some of them were men of intellectual attainments and of classic education, everywhere welcomed and recognized as leaders in the new community. The much greater number were actuated by one dominant purpose, one salient ambition; this was to make for themselves and for their household larger and better homes. These pioneers in emigration, leaving their former domiciles, did not leave behind them their respect for law and

order, their reverence for religion, or their love of civil and political liberty. All these they carried with them upon their journey. The early legislation and the first constitution of our state show in every line and sentence of the venerable text, how thoroughly they were imbued with those principles.

These predecessors in our goodly heritage had the courage to leave a land of comparative comfort and security, fortitude to endure the hardships and dangers incident to such departure, self-reliance constant and unwavering, a fixity of purpose and integrity of life, which upheld their hands and hopes in what they had undertaken. They were a thoughtful people, slow to anger, quick neither to take nor to give offense, but prompt to resent insult or injury when offered. They were diligent in their work—but took their time in doing it; they depended more than we do upon the morrow for its completion, but they did complete it. They were very frank in conversation, kindly in social intercourse. Their manner of speech was plain, direct—to use their own phrase, home-spoken, but without coarseness or duplicity.

Many of these patriarchs had unique personal histories and gifts of description and narration quite remarkable; and if their stories were long, they were eagerly listened to, on account of the manifest good faith and verity of the narrator. They were a very religious community, yet without the least trace of superstition. Possessed of lively imaginative powers, they might have peopled the wide expanse of wood

and waters round them with elves and fairies, nymphs and naiads; but they looked in the woods only for game or Indians, and saw only what they looked for.

Nevertheless they walked not by sight alone. They cherished a faith sincere and simple, unobscured by the mirage of the higher criticism. Nearly all of them belonged to some church communion; there was much difference of opinion on these subjects, but this caused no breach of brotherly kindness or of neighborly good will and courtesy. The creed and form of worship were as free as thought itself. Not a few of these men in the vanguard of civilization were very illiterate, being able neither to read nor write; yet they were not uneducated. They had learned some of the lessons of life and knew them better than the savants of Oxford or Cambridge, or the Pilgrim Fathers, with all their erudition. They had in a very free way wrought out their destiny in the wilderness. Mental, moral, political independence was their birthright.

Our forefathers dwelling under this sky of the West were a chosen people who, without the visible guidance of the cloud or pillar, made a Christian solution of the problem that for ages had embroiled their ancestors in bloodiest warfare. Even in the infancy of this commonwealth or in the days of its youth and inexperience, there was no religious test either for office or the franchise. No Baptist was banished, no Quaker was scourged or held in durance, but every one worshiped God according to the dictates of his own conscience. If any man forbore either to believe or

worship, he incurred thereby no statutory pains or penalties. The founders of our state passed beyond the line of mere religious toleration; they eliminated from their form of polity both persecution and its victim, and provided that martyrdom should be a thing impossible. They relied upon the utmost freedom of speech and opinion as the best safeguard of truth and the surest correction of error. They gave no credence to the doctrine that the growth of religious sentiment should be accompanied by some sort of proscription of dissent, or that as faith waxed stronger, charity should cease or fail. Greater was the charity of our fathers, even as their faith more abounded.

The lines of party division in those days were strictly drawn and sharply defined. Political differences were freely dealt with and questions of public moment were thoroughly debated. The ballot was as free as the mode of worship. For many years there were no statutes against bribery or intimidation at elections. None was needed. The multiform enactments of later years indicate the sensitiveness of public opinion on this subject, as they may also mark somewhat of decadence in the purity of the franchise.

The ancient provisions of the ordinance of 1787, touching common school education and involuntary servitude, although for a long period the subjects of active controversy, were faithfully adhered to and loyally maintained.

In the beginning of our social and civil organization those who attended meetings of any kind always

went armed. An aged judge speaking of this told me that in his youth the court-room during term bore the appearance of a military post: witnesses, parties, jury-men and bystanders brought with them their guns and accoutrements. I have seen, several times, on the walls of old meeting-houses, remnants of the wooden hooks, upon which, during the hours of worship, the rifles of those present were hung, loaded and primed, ready for instant use. These precautions were taken against attack by the Indians, which was often sudden and unexpected. Still, a habit so constantly in use must have had a marked effect upon the manners of the people. It largely conduced to the observance of the true civilities of life, to mutual respect and deference, whether in public or private intercourse.

Among brave men thus equipped, who met together for any purpose, there was a savor of knightly bearing shown in the considerate regard paid to the feelings and wishes, even to the prejudices and prepossessions, of their comrades and associates. Utterances of indiscretion and violence, in this armed presence were quietly suppressed; the cost of the feud was counted, its consequences were weighed and measured, restrained and averted.

The native chivalry of the frontiersman, though it may have been unpolished and uncouth, had yet a real origin and meaning. Its influence was felt perceptibly long after the custom of bearing arms, once so general, had become obsolete.

In that primitive age there was an innate honest

simplicity of manners, as of thought and action. Fraud, wrong-doing and injustice were denounced as they are at present; they were also discredited, dishonored, and branded with an ostracism more severe than that of Athens. Wealth acquired by such means could not evade, and was unable to conceal, the stigma that attached to the hidden things of dishonesty.

The moral atmosphere of the time was clear and bracing; it repelled specious pretensions, resisted iniquity and steadily rejected the evil which calls itself good. Moreover, there never has been a people who wrought into the spirit of their public enactments the virtues of their private character more completely than the early settlers of Indiana. We have grown up in the shadow of their achievements; these need not be forgotten in the splendor of our own.

CHAPTER FIVE

SCHOOL-DAYS—SENATOR ALBERT S. WHITE—HIS
SPEECH AT THE WHIG MEETING IN 1840—WHIG
MASS-MEETING AT THE BATTLE-GROUND—COLLEGE
COURSE—VACATION WORK ON THE FARM—THE
MEXICAN WAR—THE OLD TOWN AND THE NEW

My father was very much attached to farm life, and after spending several years in the country he was loath to leave it. One purpose, however, overshadowed this attachment,—that of giving his children the means of good education. Both our parents were determined that to accomplish this object they must go to some town, where schools were kept near enough to our home for easy and regular attendance. Although moving to town to educate the children has since become a common event in family history, in that early day the little world we lived in was much surprised by such a flitting. The project encountered many objections, much of expostulation and regret, from our good neighbors, but there was no change of purpose. One morning, very early, we left the cabin and the clearing, and after traveling all day, at sundown we reached a new home at Lafayette.

Within a week afterward we commenced attending

school, and I began the study of grammar, geography and arithmetic in its higher branches. In reading we used the National and English Readers, both in the same class. My National Reader is yet well preserved and certainly offers a choice collection. In geography we had Smith and Olney; in arithmetic, Pike and Dayball; in grammar, Kirkham and Murray; under the teacher's order we interchanged these text-books. There was no attempt at any greater uniformity. Our teacher told us there were different ways of doing a sum or of parsing or writing a sentence; rarely he stated which of these was best; he preferred that we should decide that for ourselves by what he called afterthought. This diversity of method and text-books made more work both for pupils and teacher, but what is learned with greater labor may be remembered longer and with more certainty. Bodies, of course, can be clothed in absolute uniformity, but whether minds may be most profitably thus appareled might be matter of question. A careful diversity in some degree discloses advantages not incident to the other method. Long established systems are prone to routine. Thus the labor of change and trial is avoided and the game stands still because no one is willing to make a move. Not all change is improvement, but improvement comes not otherwise.

The head of our school was called the master, or, in full, the schoolmaster. Our master was very particular about deportment. We were taught to stand erect, to walk and to bow in good form, to remove the

cap or hat on entering a room, and how to replace it in departing. We were admonished to respect old age, and to reverence those whom he called the ministers of the Word.

We had no text-book on civil government, but we had lessons on the subject. A glance into the old school-room, nearly seventy years ago, would have shown this class drawn up for recital just before the noon recess. It stood in a long line running from one side of the room to the other, and all the scholars had leave to suspend their own studies and listen. Then came the question from the master: Who is the president of the United States? and the answer from the class: Martin Van Buren of New York. Who is the vice-president? Richard M. Johnson of Kentucky. Who is the governor of the state of Indiana? David Wallace. Who is the lieutenant-governor? David Hillis. Then followed the names of the senators from the state, and that of the member of Congress from the district. In like manner, the names of the judges of the circuit court were repeated. The lesson also comprised brief explanations of the duties of these officials. On other days we had the Christopher Columbus lesson, or the Washington and Independence lesson, so that some of the cardinal points in American history and government were learned by the whole school long before many of them could read or write.

Friday in our school was called speech day. The older boys, in the afternoon, then recited "pieces" that they had committed to memory. The girls at the same

time read compositions. Declamations by the boys were criticized publicly by the master after each performance, but the compositions of the girls he took home with him. Upon examination, errors were noted with the pencil, and the papers were then returned to the writers—a difference of treatment well marked by courtesy and discretion.

Our schoolmaster was a man of great patience. Upon errors in grammar, spelling or pronunciation he was very severe; mistakes in gesture or demeanor were noticed in a formal but more kindly manner. In his praise of a good performance he was full and liberal; in his censure of a bad one, clear and positive. All of us took pleasure in not offending him by a failure. I do not know where he got his system of discipline or method of instruction,—certainly from no public law, rules or regulations. There were none. They were probably the outgrowth of his own reflection upon the duties of his position.

I saw the schoolmaster only once after attaining the years of manhood. He had then become quite gray, somewhat stooped with age in his walk, but was lively and cheerful, glad to meet me and to talk over the various fortunes of his former pupils. He was then a country physician, of the best repute and in full practice. His life was long, quiet, obscure, yet full of goodly service to the close. Little he cared about name or fame; he was careful only of duty. "If we take duty for our guide it will also be our guard," was a saying we often heard from the master.

When living in the country, I used to wonder what the town boys did in summer. I soon learned that the town boys did not spend much of their time in the village. They made long excursions to the river bottoms, the woods and the neighboring farms. They fished, hunted, gathered fruits in their season; occasionally a contraband supply of these was taken from the orchard, but usually we had full leave, readily given. Sometimes we got work in the harvest field and shared in its good cheer and merriment.

In the outskirts of the town where we lived there was an inn—so called—so kept. It stood upon a street corner, which we passed every day in going to school. Here Mr. Albert S. White had his rooms and lodging; he was one of the United States senators from Indiana; he was at this time a bachelor, had an office down town, but dwelt at the inn, no doubt from choice, as it was a quiet, pleasant house, and convenient for those who called to see him. He was a man of very affable manners, always spoke to the school-boys whom he met, touched his hat when we doffed ours, and occasionally stopped to talk with us. We saw and noticed him day after day and often made our small reflections about the high place which he held and his manner of life in Washington.

After we had been going to school for a year or two, one day the town was billed with notices of a Whig meeting, to be addressed by Senator White; the time was fixed for Saturday at one o'clock in the afternoon. As Saturday was always a holiday with us, we made

up a party to attend the meeting, chiefly to hear him. The meeting was held out of doors, and the attendance was large, mostly of people from the country. When we arrived Mr. White had already commenced his address, which was delivered from a wagon standing under the shade of an old beech. He held in his hand a document from which he read, commenting upon it as he proceeded. This document was the celebrated Ogle report. The Whigs charged at that time that there had been a very lavish and unnecessary expenditure of public money in furnishing the White House, its gardens and grounds, and that the Democratic president, Mr. Van Buren, was responsible for this expenditure. The first words of the address which I heard, related to the purchase of golden spoons for the use of the president's table. Mr. White said that this was a mere waste of the national revenue, and he sharply contrasted these costly spoons with those of horn and wood, still not out of use among the people.

In the course of reading the report, he came to an item for the purchase of a large number of young trees of the *morus multicaulis*, saying that his Latin was a little rusty, but that he understood these words to mean the many-leaved mulberry, whose foliage was fed upon by the silkworm; that the president had gone into the mulberry trade in order to procure, as he supposed, silk napkins, table-cloths and towels to match the golden spoons. He added that there was another kind of tree which would have been far more appropriate to adorn the lawn and gardens of the executive

mansion than the *morus multicaulis*; that tree was the *ulmus lubrica*, in English, the slippery elm. When he spoke of the slippery elm he was interrupted by prolonged shouts and laughter.

Mr. Van Buren was already well known to the public as the Kinderhook Wizard, and The Little Magician, and although Mr. White had applied none of these epithets to the president, the audience readily made the application. In the latter part of his address Mr. White became more grave and serious, describing the Whig national convention, held a few months before, which had nominated General Harrison for the presidency. He related the account of Harrison's government of this territory: his faithful and long continued safeguarding of white settlers on the frontier, his treaties with the Indian tribes, his defeat of the Prophet at Tippecanoe, the subsequent overthrow and death of Tecumseh at the Thames, closing with an appeal, full of force and feeling, to the old soldiers and settlers of Indiana to stand by their former friend and commander as one who had worthily deserved the highest honors of the Republic.

The speech was well received, applause was manifested by the waving of hats and clapping of hands, and many of the audience walked up to the speaker's stand and tendered their congratulations. None of our group of school-boys went forward; our old acquaintance, Mr. White, had suddenly become in some way a stranger to us: he seemed upon the stand before a public assembly to be so much greater, higher, than

upon the street—we felt too much abashed to approach him. This address, made now more than sixty years ago, was the first stump speech I ever heard. It was, judging from the effect following it, an excellent specimen. It gave life and movement to the Whig campaign, which from that day prospered without ceasing until it ended in the election of General Harrison to the presidency.

During this presidential campaign of 1840, a great Whig rally was held at the Tippecanoe battle-ground. It was attended by people from all parts of the northwest. They came by land and water in every kind of conveyance: in wagons, in huge log cabins mounted on wheels, in long canoes painted and decorated with party emblems. The number of persons who thus came together was estimated at twenty thousand, a great multitude for such a sparsely settled country. The meeting was held after school had been dismissed for the season and lasted three days; the Wabash River was in good stage of water, and the steamboats ran in excursion from Lafayette to a point on the river about two miles from the battle-ground. A party of our school-boys attended the rally two days, returning home at night by the boat. On the first day, when we had walked over from the landing-place to the grounds, and stood upon the elevated point of woodland, said to have been the site of Harrison's headquarters twenty-nine years before, we were surprised by the view round about us. The whole woods and the lower level of the prairie for a long distance were filled with

tents, wagons, flags, banners and streamers. It seemed like an actual military encampment, except that there was not much order in the arrangement.

We strolled about busy in sight-seeing until noon; hunger suggested dinner; we passed lunch-wagons and boarding tents, but were most attracted by the barbecue. This was not a mock roast of cut joints and severed pieces, but a real barbecue—a roast of whole carcasses—carcasses of shoats, sheep and oxen, dressed and spitted, cooking over a long trench by the heat of the well-tended fires. Near these stood the carvers at meal-time, with their long sharp knives, who cut and served to you the part you chose. In the rear of the barbecue-trench there was a smaller one where the burgoo was made, in large kettles boiling over a slow fire, and the soup, rich and well seasoned, was ladled into your dish; cups and spoons, rinsed in running water, corn cakes and wheaten rolls, were handed round to all comers, without money and with ready good will.

The site of the battle-ground was then unimproved, in its natural condition, except a small space where those that fell in the engagement had been buried; this was inclosed by a plain board fence. Several stands were erected for speaking, printed bills gave the names of the speakers and announced the hour of meeting, and many bands of music played during the intervals. Eminent statesmen of the Whig party from different parts of the country spoke on this occasion, but the star speaker and guest was Mr. James Brooks, of the city of New York. Mr. Brooks was the editor of the *Evening*

Express, at that time the leading Whig newspaper in the East. He had been long a friend and admirer of Mr. Clay's, and had earnestly supported his candidacy for the presidency; his presence at this great assemblage was understood to signify that the distinguished Kentuckian would give his aid to the cause of General Harrison. Mr. Brooks was a pleasant speaker, altogether colloquial in tone and manner. He had attended the Whig national convention at Harrisburg and gave us an account of its opening, when the presiding officer rapped upon the desk with his gavel saying: "The nation will now come to order." He predicted in his remarks that New York would cast its electoral vote for Harrison, enlarged upon the reasons for such action, and announced his unshaken confidence in the belief that Indiana and her sister states of the northwest would take the same course by what he called sweeping majorities.

There were at this meeting several aged men, some of them in old-fashioned uniform and equipment, who had served in the campaign of 1811 under General Harrison. They lived in southern Indiana and had made a long journey to see again the place where they had fought and beaten the Indians many years before. You could see these veterans in the crowd, each with an attentive group of listeners around him, telling stories of the battle. We school-boys edged into the group and heard them eagerly. They spoke of the first attack, made, to use their own words, in the darkest corner of the night, just before daybreak; then of the

second with larger force and heavier firing. They related how they heard the loud voice of the Prophet above the din of battle urging his warriors to the front; and how the white men stood their ground, charged and repulsed the enemy; then how the Indian fire slackened, while random shots, here and there, came from the high grass or surrounding thickets. They told us of the retreat and of their pursuit, of the capture and burning of the Prophet's town and of the fields of standing corn which had been planted and raised by the Indians for their subsistence during the winter. They said they took few prisoners—the warriors would not be taken; the Indian women and children had been sent away into the forest jungle between the two rivers. They thought it would never be known what the Indian loss was in the engagement; they hid their dead, carried off and concealed their wounded; but it must have been severe, since they never afterward appeared in force or with any hostile purpose in that part of Indiana.

It is said that at one of the Indian schools in our state, not long ago, the history class had reached the chapter giving an account of the battle of Tippecanoe. After reading it, the instructor asked a printed question, appearing at the bottom of the page, in these words: "Was it not a fortunate thing for our country that the Americans gained this victory and thus opened up to peaceable settlement a large and fertile area of the West?" To which question the Indian boys of the class answered with a "No," loud and unanimous.

We had lived now several years in town and had made the discovery that town life, even in an unpaved village where log houses and wooden store-rooms yet abounded, was quite different from that of our former home; but our life in the country was not forgotten, and was still preferred. My father made annual visits and always returned more and more interested in the affairs of the farm. We had enjoyed a long and excellent course of schooling and looked forward with pleasure to a removal, which would enable him to resume his favorite occupation.

During my school-days I had found no trouble in keeping up with my classes, had a great deal of spare time for other work, and, with the assistance of kind friends, had undertaken the study of what were then known as the learned tongues, and attained, for my age and opportunities, a considerable proficiency in them. I made also some acquaintance with Euclid, no small progress in mathematics and in land surveying. These home studies had been so well directed and closely pursued that in taking a regular academic course, I was, upon examination, entered in the second half of the sophomore year, and had spent only a little more than two years at Kenyon College when I received my diploma and took the degree.

The vacations of my student life were always spent at home and were occupied with work upon the farm, where my father was then living. He was well satisfied with having returned to the country, though manifold changes had occurred during his residence in town.

Our neighborhood had become more populous: new houses, new clearings and fields appeared on every side. A few years of emigration had made no small difference in the settlement. In the harvest field the cradle, with its long pendulous fingers, had supplanted the sickle, except in the fence corners. Stoves had come into the kitchen, though flails were still used in the barn.

The opening of the canal to navigation had given additional value to almost everything except honesty and good faith; these were worth as much before as afterward. The system of exchanging help in harvest had almost disappeared; hands were regularly employed and wages were paid in money. There was as yet, however, very little of what is called agricultural machinery. Having been rather an expert with the sickle, I now became familiar with the use of the cradle and still handled the flail very well. My father had built a frame house and a large barn on the farm he had bought. In the barn there was an open space called the threshing-floor, where the grain was trodden out by horses or beaten out by hand. In the threshing-floor there was a novelty in the shape of the fanning-mill, a new contrivance. It was turned by hand, looked like a large covered grindstone, and, by an arrangement of wooden fans and vibrating sieves, cleaned the wheat or other grain better and more rapidly than the old method of winnowing. The operation of the new machine was a very dull and monotonous grind. Winnowing, on a fair day with a stirring breeze, was an

attractive occupation. It was pleasant to observe the flight of the dust and chaff, the steady fall and heaping up of the heavier grain. Our elders often called upon us to note the Scripture lesson given in this kind of work,—how it was written that the wheat should be gathered into the garner, but the chaff—it is hardly now accounted good form even to mention the fiery doom of the chaff.

I easily kept pace at college with my class, and passed regularly all the examinations of the year. After studying and reciting the lessons of the day there was a good deal of time at my disposal for other pursuits. I had access to an extensive library and made constant use of it. I belonged to one of the student societies where the question most prominent in debate, under various forms, was as to the justice and necessity of the war with Mexico, then in active progress. In this discussion I took sides with the administration of Mr. Polk, then president, and became known as a member of the Democratic party,—a junior member, but active and vigorous in support of its policy and principles, and have since maintained the same political connection.

The Mexican war was not prosecuted by Santa Anna and the politicians of the Mexican Republic then in power, nor was it undertaken by the statesmen of our own government, with the purpose of merely adjusting their differences concerning the Nueces and the Rio Grande as the divisional line between Texas and Mexico. The ultimate design of Mexico was really this:

to regain Texas and to make the southern line of the Louisiana purchase the boundary between the two countries; on the other hand, our underlying purpose was to retain Texas and to make the line of the Rio Grande, extended to the Pacific, the limit of our possessions. The military expeditions of Doniphan, Cook and Kearny in the southwest and in California, as remarkable in their achievement as any which occurred elsewhere during the war, clearly show this policy. We acquired absolutely no territory by the treaty made at the conclusion of the war or afterward, except with the view of establishing this new line of frontier. We had already military possession of all the territory which was ceded, but did not retain all that we had conquered. We held in our hands the city of Mexico, had undisturbed possession of Vera Cruz, the principal maritime city and seaport of Mexico, and, had we chosen, might have held it as England holds Gibraltar in Spain.

No war has ever been waged in which the vanquished were treated with greater forbearance and magnanimity than that of the United States against Mexico. Whatever differences of opinion may exist in regard to the Mexican War, none can be entertained concerning the peace which followed it. That peace has been constant, permanent and beneficial. For more than half a century the two republics have dwelt together in mutual amity. At one juncture of transcendent importance the United States showed more than amity. Our friendly, but efficient, intervention against

the armed occupation of Mexico by the imperial forces of France led to the overthrow of Maximilian and the restoration of the Republic.

Among other changes in our neighborhood the town of Americus had made a good growth and was becoming a place of considerable commercial activity. Americus had been known for many years as a small country hamlet, where steamers occasionally landed in their trips up and down the river. But at this time it was a port of entry upon the Wabash and Erie Canal, and contained a number of stores, warehouses, steam mills and lumber-yards, doing a large business with the people of the adjacent country. It had a canal basin where boats lay during the winter, and where, during summer, they could be loaded and unloaded without obstructing navigation on the main level. The old fashioned inn or tavern had disappeared; its place was taken by a hotel, crowded with guests, dealers in grain or timber, who came there for opportunities of traffic. It began to be whispered in confidence that a new county would be organized and that Americus was to be the capital. The town seemed to be moving fast on the way to permanent prosperity, when a new industry caused it to suffer a disastrous change.

Some years afterward a line of railroad was surveyed and constructed parallel with the canal, but some distance from it at this point. The old river or canal town was not made a station upon the railroad built near it, and rapidly lost its trade, its population and importance. Pioneer railroad corporations of In-

diana had quite as much sentiment in their management as the wolves which their steam whistle scared off the track. Local interests and associations or predilections received scant attention from these iron-clad caterans, unless they were heavily backed by money. It is true they did not plunder or pillage the old town, but they founded a new one on their own line as its rival, and aggrandized it by special and continued favor. They shunted the old town out of the way, and without remorse consigned it to an irretrievable condition of oblivion and decline.

There are many towns in Indiana such as the one here mentioned, formerly in a highly prosperous state, which from like causes are now almost unknown, and as little spoken of as Baalbec or Tadmor in the wilderness.

CHAPTER SIX

THE SCHOOLMASTER—BOARDING ROUND—SPELLING,
READING, WRITING AND CIPHERING—THE SOCIETY
OF DEBTOR AND CREDITOR—LAW STUDIES—ADMIS-
SION TO THE BAR—TOWNS OF INDIANA IN 1849—
A TYPICAL COUNTY-TOWN—THE OLD SQUIRE—WIL-
LIAM M. KENTON

Having completed the course at college and having chosen the law as a profession, I now sought employment as a teacher, to procure means for the prosecution of legal studies. I applied to the trustees of a district, at some distance from home but in the same county, for a license to teach. Under the statute then in force there was a board of trustees who had charge of educational affairs within their jurisdiction, and the chairman of the board upon application called a meeting of the members and appointed a day for examination.

When we met the trustees asked me questions for an hour. These were answered promptly and plainly; they were well pleased with the answers and at last asked me for a specimen of my handwriting. Taking a sheet of paper I wrote on it, in my best hand, one of

the oldest legends in the copy-books of that time—I think it may have come over in the Mayflower :

*At Dover dwell George Brown, Esquire,
Good Carlos Finch and David Pryor.*

They were delighted with the copy, especially with the capital letters. The chairman then asked me how many branches I intended to teach. I told him I should not go much into the branches, but should try to keep along the main stream. Turning toward his colleagues he said the young man would do very well; they made out, signed and gave me my certificate. As yet, however, I had no school. The public at that time only furnished the school-house, its furniture and fuel. The salary of the teacher depended upon the good will of the people of the district; the schools were maintained by private payment and subscription. Next day a canvass of the district began. Walking from house to house with my articles of subscription, soliciting pupils, was not a work that could be done very hastily; at every home there was a free conversation about the children, their lessons and their former and future progress. I was well received and had been engaged two days in this task when on the third day the chairman of the trustees came with his buggy and kindly took me in it, and the canvass was completed in this manner with his assistance. Fifty scholars were subscribed when the school opened, and afterward even more than this number were sometimes in attendance.

I began my school on the first day by assigning the pupils to their classes. There was the same diversity of text-books as when I myself had been a school-boy; several of my pupils used the New Testament as a reader; but this diversity gave little embarrassment; it was customary and not unexpected. When the division into classes was completed, lessons were heard until four o'clock in the afternoon, and then a brief address was made to the scholars upon the subject of rules and deportment during school hours.

The day had been passed in some suspense, for although I had brought with me from home a lunch for dinner, I did not know where I was to spend the night. But just as the address was finished a young girl of twelve years came up to the desk and with great civility invited me, on behalf of her parents, to their house for supper, adding that I was expected to stay with them two weeks. I thanked her, took my satchel and accompanied her to her home.

Thus commenced my experience of *boarding round*. Some of our writers have done this custom a partial injustice. They seem to think that it was founded wholly upon reasons of economy. But in this district and in many others it was accounted a privilege—somewhat of an honor—to entertain the schoolmaster; this was one of the causes for rotation in that office. Several of the patrons of the school, with whom I lodged, disclaimed all credit on that account, paid the full amount of their subscriptions, treating me as a guest, not as a debtor.

My school continued to make fair progress, and no use was made of the rod, although it was then in vogue. Three very trim hickory switches were suspended on wooden hooks above the blackboard as part of the ordinary school furniture, but the dust on them was not disturbed during my administration. In the line of discipline some valuable hints were obtained from the older teachers in adjoining districts, whom I met occasionally on the school border.

The old-time country schoolmaster was a person well known and appreciated in the community where he resided. Though occasionally engaged in other business during the long vacation between his terms, he was not, as has been said of him, a Jack-of-all-trades. He was usually a man of a certain simplicity of character, of much singleness of heart, and zealously devoted to the duties of his calling. In the elementary branches which he taught he was well versed, often an expert in spelling, parsing and geography. Many of his order were devotees of the pen, training themselves to write readily with either hand. I knew one of them who wrote short sentences, using a pen in each hand at the same time, a feat not easy of performance, as any one may learn who tries it.

In the use of text-books the teacher had no choice; he must needs take those that were brought by his pupils from their homes; but in the method of oral instruction his choice was absolute: he was thoroughly independent, being his own superintendent and principal. This method of instruction engrossed much of his

thought and reflection. A veteran of the craft told me, many years ago, that no matter where he lived or what he was doing, he spent a great deal of his time in the township of Think-it-over and in the county of Mother-wit, studying the subject of How to teach. In consequence of this the master could, and did, teach others what he knew; he had, in his own way, the gift of imparting, and was diligent in its exercise; was careful not to make the task of learning too easy for his pupils, believing that knowledge thus acquired was not so well impressed as when accompanied by some proper effort. With those who were slow or dull of apprehension he was very patient; but for mere indolence the rod threatened a reign of terror. Although proud of a scholar who showed excellence in his studies, he discarded the whole system of prizes and premiums. The highest reward in his service was to stand at the head of the class; yet to be at the foot was no punishment, for the teacher always spoke of this as a mischance which time would remedy; some one, of necessity, must be at the foot, but the way upward to the front was impartially kept open.

Thus the schoolmaster, year after year, through the shortened days of many a winter, took up and carried his accustomed burden. He had a full share in the prolonged labor of forming and building the state. Of what we are, he was a part; we can not forget or disown him; he deserves rather to be remembered with somewhat of regard and gratitude.

A number of my pupils were older than myself, and

some of these formed small classes in grammar, algebra and land surveying. The young men and women in these classes were anxious to learn, very diligent in their studies, brooked no confusion or disorder, and gave me their assistance in the conduct of the government. Mine was not a loud school, the "noisy mansion" of the Poet, although such schools, in the country, had not yet quite gone out of fashion; recitations were made aloud, lessons were studied in silence, and ordinarily the school-room was a quiet place. There was only one large room, not even a lobby for hats and wraps; these were hung upon wooden pins along the walls. Spelling, reading, writing and arithmetic were the studies in which nearly all my pupils were engaged; to teaching these my time was diligently and specially devoted. A lesson in either of these well learned and recited is really by far the most useful achievement in common school work. That these primary branches are prefatory steps to what is called higher education is doubtless of some moment, but what gives them their chief importance is that a knowledge of them is most needed in traveling the common highway of life,—that trodden by the unknown and nameless multitude. The greatest good to the greatest number is a maxim imperative, indispensable, in the work of popular education. A system which neglects these primary branches or does not bestow upon them its choicest and most continuous effort is, for the people, a failure.

The art of reading in our schools and colleges of to-day seems to be wholly eclipsed by oratory. Yet,

without any reference to the professional efforts of the lecture-room or theater, to read aloud well is a fine accomplishment; to read aloud in public with the highest degree of excellence is an acquirement much rarer than singing or speaking, so uncommon that I can number on the fingers of one hand all the readers of that quality whom I have heard during a long life. Faults in reading are shown in our courts, churches and other public assemblies, in manifold instances,—faults acquired or tolerated in school, and seldom in after life amended.

Penmanship was, among the people here spoken of, at that time highly prized. The typewriter has since almost abolished manuscript, and gives us intimations that the use of pen and ink is to become obsolete.

More than thirty years ago, in the village where I lived, a certain merchant of the old school received a typewritten letter from one of the eastern cities. It was the first he had ever seen. He read it and became rather indignant, sat down and immediately wrote to his correspondents that they need not go to the trouble of printing their letters to him: he could read writing, if they knew how to write. And indeed the machine has abolished personality in our correspondence. The blots, the erasures, the marks of what is called the hand, in the formation of the letters, are all missing in the printed sheet, leaving a blank not at all filled by the mere perusal of the text.

In my school-room there was but one single desk, that of the master. There was a long desk-like shelv-

ing which ran on one side of it where the pupils sat and wrote during the lesson hour. I always, at this time, gave the use of my desk to some one of the girl pupils, taking care to do this in rotation, so that each had the use of it. They were much pleased with this favor.

The saying, "The pen is mightier than the sword," had perhaps more savor in it when these two implements were not made of the same material. The steel or metal pen had not yet come into general use. Quills of various kinds were furnished by the pupils, and the making and mending of pens was a part of the regular duty and employment of the teacher.

Arithmetic was taught by the use of the slate and blackboard; the latter, however, was then quite recent; all schools did not have this. The science of numbers is capable of a vast development, but in the common school it is chiefly taught in order that pupils may be able to cast and keep accounts and to compute interest, and thus become acquainted with the signs and passwords necessary for initiation into the great Society of debtor and creditor.

It is said that this society is as old as civilization, that it is more numerous than all the other lodges and orders in the world, and has existed under every form of government in every age and clime. Its system of debit and credit, like the science of arithmetic which it specially cultivates, is devoid of moral tendencies; concerning right or wrong it stands indifferent. Loss it regards as the sole evil; its only good is

gain. When this society is to have an end or why it ever had a beginning are questions only mooted by that daring class of skeptics who are bold enough to doubt whether the accumulation of gain is the highest and best aim of humanity, and who claim that there may be a loftier destiny than this for the individual, the nation and the race.

But the schoolmaster, in any case, must accept the conditions of life as he finds them, and use diligence that his pupils may be well prepared to enter this society of which, sooner or later, they must become members. It is true, we may imagine a state of things in the future, in some coming age of reason and righteousness, when money may be somewhat like the manna in the wilderness, of which he that gathered little had no lack, and he that gathered much had nothing over. Faith in the real progress of humanity may at least entertain the hope that mankind will be relieved from the mere wanton, wrongful mastery of money, as it has been emancipated from that of force. The illicit power of wealth is not so formidable or so strongly intrenched in the law and usage of the age as slavery was a hundred years ago. Our industrial systems may undergo improvement as marvelous as any of the recent inventions in the physical or material world. It is not wealth or the use of it, but the abuse of its power, that has wrought evil continually.

The first session of our school closed with an exhibition of reading, dialogue and declamation, well attended by the people, with a spelling match in the

evening, which lasted until nearly midnight, wherein one of my scholars proved to be the successful champion against all comers. The gentleman who presided in the evening was a member of the legislature; he told me afterward that he felt himself as much honored as if he had been acting as speaker of the House or president of the Senate. This sort of entertainment was then very popular, combining much amusement with useful instruction. The culture of the mental trait involved in this study of spelling is of no less importance than its usefulness to the reader or writer. To spell correctly requires attention to several minute particulars—to the letters composing the word, and to the precise order in which each of them occurs. Perseverance in this practice forms a habit very necessary in all trades, occupations, and professions. Careful attention to details is the elementary guardian of life and property; frequently it has been the originator of many of the best things in our civilization.

Some revival of the art and study of spelling, even if only for the purpose of training the youthful mind in the exercise of this practical trait, might be a useful reformation in our school world.

A few days after the close of my first school I went to Logansport, taking with me several letters of commendation addressed to Mr. Daniel D. Pratt, an eminent attorney of that city, in whose office I was desirous of pursuing my law studies. Mr. Pratt read the letters and received me very kindly, said I was quite

welcome to a place as student in the office, and that he would take pleasure in directing the course of my reading. Mr. Pratt was then, as a member of the bar, in the meridian of his fame. He had, and deserved, the highest professional reputation, and in fullest measure the confidence of the people. It was a privilege to make my studies under the guidance of such a preceptor. This gentleman was considerate in his treatment of young men, and conscientious in the discharge of his duty toward them. Unless actually engaged in court he spent some hours every Saturday with his students, questioned them closely on the subject upon which they were reading, answered himself questions upon the same, and sometimes advised that a particular section or chapter should be read over again, saying, by way of encouragement, that he had, when a student, taken the same course. He accepted no compensation for his services; the work which a student did in the office was perhaps of some assistance to him, but more to the student.

After reading in the office of Mr. Pratt all summer and late into the fall, I was casting about for employment as a teacher, when a very cordial invitation came to take charge of the school in the same district where I had taught the previous year. The invitation was immediately accepted. I was warmly welcomed upon my return both by patrons and pupils; we were in a few days engaged in the same course of study and duty as before, and at the close of the second term of school-teaching my place was resumed in the office at Logans-

port. During three years this same course was continued: the winter was spent in teaching, always in the same district, and the remainder of the year in close intimacy with Chitty, Kent and Blackstone.

The business of teaching, while engaged in it, I liked very well. No mere eye service was tendered to my patrons or to those whom they had committed to my charge. Moreover, I was myself a scholar, learned many things from my school, and am yet one. As it might be written:

All the world's a school —

And all the men and women merely scholars.

Having completed the third term as schoolmaster I went to Logansport a few days afterward, made a review of my law reading, and applied for admission to the bar. The examination lasted three hours. The report thereof being favorable, my name was entered upon the roll of attorneys and a certificate of admission was given me, which bears date April fourteenth, 1849. I was yet in my twenty-second year. Before this some conference had occurred between Mr. Pratt and myself concerning a suitable location to commence the practice. He had told me of a large county lying directly west of the one in which he resided, where there was no resident attorney. It was, as he stated, a county of rich land, and although very sparsely settled, would become at no distant day wealthy and populous; he thought it was an eligible place for a beginner. Soon after my admission I took a livery conveyance and

was driven to the capital of White County. On the day after my arrival, an entire stranger, I called upon and delivered to three gentlemen residing there my letters of introduction, thus commencing an acquaintance not yet ended, and a residence of many years.

The oldest towns in our state have grown up around frontier military or trading posts, like Vincennes and Fort Wayne, and have now in this new country acquired some character for antiquity. They were English towns, or French towns, long before the existence of the state or territory, and some of them, occupying the site of former Indian villages, had been, perhaps for centuries, places of human habitation. Another class of our towns sprang up in the neighborhood of portages, harbors and landings on the navigable rivers. Still a third class, and much the largest, were merely conventional in their origin, having been located by virtue of legislative enactment, as seats of county government and local centers for the administration of justice. These have grown up around the court-house.

The town chosen as my place of residence was of this third class. It had been located and laid out as a county-seat in 1834, by commissioners appointed under an act of the general assembly, and had been named by them Monticello, in honor of the country-seat of Mr. Jefferson in Virginia. It was situated upon the west bank of the Tippecanoe, one of the most beautiful rivers in the United States.

The place and its people were typical at that time of a large class of similar communities. It was not

on the line of any railroad, canal or stage route, and was somewhat out of the world. The principal building in town was a church, a plain square-looking structure of wood, capable of seating five hundred people. It belonged to the congregation of new school Presbyterians. A division of that numerous and influential body had occurred, and had extended far and wide, even to this Zoar, but the line of severance was not here deeply marked. The people of the old school and the new dwelt together in perfect amity, alternated in the use of the church on Sabbath, and, though each of the congregations had its own minister, the two united in attendance and worship. In this church the sessions of the circuit court were held twice a year. The three judges occupied the pulpit, members of the bar sat in the chancel, the jury and spectators sat in the pews. The old frame court-house had become too small for this purpose, and the erection of a new one had been just begun by the laying of a stone foundation.

The only other public building was the school-house; it was a frame in form like the church, but not so large, and stood immediately upon the bank of the river. The playground sloped down to the water's edge—a very picturesque site though somewhat favorable to truancy. There were three stores, places of general trade, whose proprietors went once a year to Cincinnati or New York to replenish their stock. It was well known when these merchants would start for the East, and they were charged with commissions,

cheerfully undertaken for their friends and patrons. Sometimes a fine bonnet, a hat, a new style of gun, a book, or a map, were sent for in this way, and once an old lady sent her album to be returned with the autograph of the mayor of the city of New York, which was done.

There were four physicians and surgeons, each of whom was his own druggist, his office being fitted up with a little counter, weights and scales, where prescriptions were prepared. The two taverns stood nearly opposite to each other on Main Street. Neither was palatial in external appearance; both were well supplied with means to satisfy the demands either of hunger or of thirst. Besides the other buildings mentioned there were perhaps fifty dwellings—all frame—cozy, quiet homes, each with its clump of shade and fruit trees round it. There was no newspaper published in the county. The mail arrived once a week, save in time of high waters, when the carrier turned his horse about and retraced his steps to the other end of the star-route. The streets and sidewalks were left to the supervision of that ancient and unsalaried caretaker, the weather. All things were thus in a condition quite primitive; yet the sick got well, the wicked were convicted and converted, the wounded were healed and recovered, in as large a proportion as at present.

The principal character in our village was the Squire. Of course the county officers lived there but they were not so well known nor nearly so often spoken of as the

old Squire. He had been a justice of the peace for a long time—in his case it proved to be a life office. He was a man of fifty years, a native of Culpepper County, Virginia, who had crossed the mountains on horseback when a youth just out of his apprenticeship, and after traveling through the West for some time, settled down in our village. By trade he was a joiner and cabinet-maker, and his office and court were held in the carpenter-shop, a roomy apartment, where I often appeared for parties litigant. His books and papers were kept neatly in place, the docket entries were clear and legible, especially the signature; indeed the squire may have been a little vain of his handwriting—it was the only vanity he cherished.

The margin of the docket page was reserved for costs; here, as the case proceeded, his fees were entered with precision to the cent or half-cent; but if he were strict in taxation he was liberal in collection; he would, at any time, throw off half his costs—all his costs—if he could only induce the parties to settle without further action. Great stress was laid upon the last word of his official title; peace, he said was better than pennies, peace was better than to gain a lawsuit or lose it; it was his duty to make peace as well as to keep it. In religion he was a Presbyterian of the old school, a resolute stickler for the Five Points of Calvin, though no proselytizer; but when attacked, if he did not convince his assailant, he often reduced him to silence by a battery of well chosen texts, aided by his imperturbable good humor and his unfeigned sincerity. If there

were in his creed any lack of charity, it abounded in his life and conversation. Whenever he entered a final judgment for principal, interest and costs he closed it with the formula: "And the defendant in mercy," the form used at that time in such cases in the circuit court. I have frequently heard him repeating this clause over and over after he had written it, seeming to charm his ear with the words. He observed closely; knew more of men than he said or than they thought, and although he was willing to overlook the follies of mankind and much commiserated their sins and shortcomings, yet he treated offenses against the statute in such case made and provided with somewhat more of rigor. His probity had passed into a proverb: "As honest as the old Squire." In his prolonged service he had become well versed in the law of his jurisdiction, and was so thoroughly impartial in judgment that appeals from his court were seldom taken. In politics the Squire was always a Democrat and as such he was elected, by the people of a district composed of three counties, a delegate to the constitutional convention of 1850. He went to Indianapolis, served through the session of that body, was held in the highest esteem by its distinguished members, and when he returned from the capital resumed the duties of a magistrate, which he continued to discharge until his death.

The praises justly due to the excellences of such a character, may in some degree be reflected upon the people and the constituency which he served, who, if

they did not all possess these qualities, yet appreciated them, and upon this consideration honored their fellow townsman with a lifelong trust and confidence.

The best known citizen of the county at that time was William Miller Kenton, a son of Simon Kenton, the far-famed Indian fighter and hunter of Kentucky. His early youth had been spent on the farm and in attending his father in his numerous excursions in search of lands and game. "The Indians where they lived then gave little trouble. After the age of sixteen the friends of his father, who were quite influential, including all the elder congressmen and senators from his state, procured for young Kenton a commission in the navy. Disliking this employment, after a brief service as midshipman with the home squadron in the Gulf, he resigned. The same friends obtained for him an appointment to the military academy at West Point, then a very primitive institution. Young Kenton here excelled in the drill and manual of arms, and in all athletic sports and exercises; but with books he failed, not from any lack of mental ability, but from his innate aversion to regular study and application. After a certain time spent at the academy he was honorably relieved from further attendance, went home, married, and with considerable means derived from his parental estate and other sources, removed to what was then Carroll, later White County, bought large tracts of government land, and was among the first settlers of the Grand Prairie.

When I first knew him, Kenton lived on a farm of a thousand acres, on what was called the range line, in the open prairie about four miles west from the Tippecanoe River, and owned another plantation of two thousand acres not far away. His house was a large one, a frame of two stories. Here he dispensed a profuse hospitality; no one was ever turned away from his door. Whites and Indians were equally welcome. His Indian visitors were frequent, for he had settled in the country some time before their removal by the government to their new home in the West. Some of these guests had seen and known his father; they loved the son for the father's sake, yet their attachment may have been partly due to the well stored pantry and kitchen which ministered to their wants.

Besides farming Kenton was largely engaged in rearing cattle and live stock for the market, and among other things he gave a good deal of his time and attention to the prosecution of certain land claims, located in Kentucky, which he had inherited from his father's estate. Sometimes he visited that state on this business, and on one of these occasions a friend of mine accompanied him. They traveled by wagon to some way-station on the old Madison railroad, in southern Indiana, not far from Columbus. There they took the cars for Madison, and went aboard a steamer for Maysville. The boat was named Simon Kenton. Mr. Kenton went to the captain's office to pay the fare. The gentleman in charge asked his name; he told it; asked if he was related to Simon Kenton of Ken-

tucky; he told him who he was. The gentleman declined taking the fare, saying that Mr. Kenton could pay no money on that boat, but that they were gratified to have the pleasure and honor of his company. The news that a son of Simon Kenton was a passenger spread rapidly. The ladies and gentlemen of the cabin, the officers of the vessel, all hands above and below deck, waited upon his levee. To use a phrase of the river, his *hat was chalked* for the whole trip. The same sort of ovation occurred at the hotel in Maysville. My friend was surprised at the enthusiasm with which the people greeted him as soon as his arrival was known. They spent about one week in various parts of the county, taking affidavits and in the examination of ancient surveys and records in the public offices, and then returned home by the same route.

The younger Kenton was a man of considerable reading and information, fond of the chase, a notable wrestler, runner and boxer, surpassing most of his contemporaries in these exercises; but he was a person of exceedingly equable temper, and resorted not to force or violence save under extreme provocation. He, like his father before him, had lived in his youth so much among the Indians as to have contracted somewhat of their habits. He was of a firm step, with a decided military bearing, yet inclined to the Indian gait. His eyes were large and brilliant, constantly in the attitude of expectancy, as if watching or awaiting some one. He was in politics a zealous Whig, a personal friend and steadfast adherent of Henry Clay,

who had also known and befriended his father in days of yore.

As the representative of a district composed of a group of our northern counties, of which White was one, he had served, with much acceptance to his constituents, for several sessions in the general assembly; he was a close friend and ally of Mr. Albert S. White's, and in the Whig caucus, it was said, had placed that gentleman's name in nomination for United States senator when he was chosen to that position. Kenton's conversation was very interesting, especially when it related to the life and adventures of his father.

Simon Kenton, as his son told me, was once taken prisoner by the Indians, was stripped to the waist and painted black, as was their custom with captives doomed to be burned at the stake. At this juncture the notorious white renegade, Simon Girty, appeared on the scene. The two Simons had been friends in their youth; Kenton had in some perilous emergency saved Girty's life at the risk of his own. The renegade had not forgotten this; he instantly interfered to stay further proceedings. Having great influence with the tribes he insisted that a council should be called which he attended, where he urged the proposition that Kenton's life should be spared, and that he should be held only as a prisoner of war for ransom.

Here Mr. Kenton interrupted the story to ask whether I knew the way in which the ayes and noes were taken in an Indian council. I did not. He then proceeded to tell me. After their debate is fully ended,

the chief presiding at the council takes up his war-club and hands it to the nearest warrior sitting on his right. This warrior, if he disapproves the measure pending passes the club in silence to the next; if he favors it he strikes the ground a heavy blow with the club and then passes it. In this manner the club makes the entire circuit of those present. Resuming the story Mr. Kenton said that his father, bound and fastened to a tree, stood near enough to hear the council in the lodge-room, and being well acquainted with their customs, he listened and carefully counted the club strokes. From these he knew that his friends were in the majority and that his life was saved. He afterward escaped.

William M. Kenton was a very careful herdsman and feeder, a better judge of live stock than of the market. He often made unfortunate sales, and as his transactions were upon a large scale, met with serious losses. Toward the close of his life, in his old age, he fell into some pecuniary embarrassment. His creditors came in a cloud, all at once, to summon him with writs for indebtedness. The old pioneer made a gallant fight. Some of them he paid, with others he settled, many of them he defeated, and two or three of the most insolent claimants he literally whipped into terms of submission. He saved a large portion of his real estate and, though he did not long survive this campaign in the courts, spent his last days in comfortable competency, and died in peace with all the world.

His memory is yet highly respected, even fondly cherished, by the descendants of the friends and neighbors with whom he formerly associated, and whom he had often aided in the struggles of their early life on the frontier.

CHAPTER SEVEN

LAW PRACTICE—JURY TRIAL IN THE PROBATE COURT
—ALBERT S. WHITE—JOSEPH G. MARSHALL—RUFUS
A. LOCKWOOD—THE CAMP-MEETING—ELECTION TO
THE LEGISLATURE—THE GRAND PRAIRIE AND THE
BLUE-STEM—THE PRAIRIE FIRE—THE NEED-BURN
—THE PRAIRIE FIRE-BRIGADE.

On the third day after my arrival at Monticello I had a case before the justice. A large part of the county, lying west and southwest of the county-seat, was prairie, owned in extensive tracts of one, two or three thousand acres. The proprietors cultivated these plantations by tenantry, and the disputes arising between landlord and tenant sometimes caused litigation. My first case was one of this kind, a suit of ejectment for possession, wherein I was for the tenant, and was successful. This led to other employments. Business in the commissioners' court, and that in the probate court, which met four times a year, came soon into my hands.

I once diversified the usually quiet proceedings of the probate court by a jury trial. The case was that of an account against the estate of a decedent, who had resided in the timbered country along the river, for

clearing forty acres of land. Neither the administrator nor the judge wished to pass upon the question of the value of the work. There had been a special contract between the decedent and the claimant about the price of the work, but it was not in writing; no one knew anything about it but the plaintiff, who, under the statute, could not testify. The claimant was a man of frugal and laborious habits, a notable expert in chopping and clearing. He had spent all his days, as he said, in the back settlements, following the ever-shifting line of the frontier from Pennsylvania westward to his present home. He could read, but could not write, and kept his account of days' work by notches cut on a wooden stick or tally. After each sixth notch he left a smooth blank place; this marked the Sabbath, wherein he did no manner of work. He was very zealous in his religious faith, the keeper of a good conscience, and was a small landholder; he had a wife and family of his own, and an aged mother whom he cared for and nourished in his house. She was an invalid, who, as the son told me in his pithy parlance, *had been ailing for a long spell with a misery in her side*. Also he told me that when a young man he had been overmuch given to drink; that his mother had broken him of this habit by speech of words taken from the Book; that then he had made a new start, and ever since he had been walking in the right way, in the pilgrimage of grace.

My client had never before been concerned either as a party or witness in any legal procedure. When the

twelve jurymen were called and impaneled, before they were sworn, I asked him, in an undertone, if he was willing that these men should decide how the account stood between himself and the estate. He answered in a voice loud enough to be heard by the bystanders: "No, I am not; they don't know anything about it." It was then explained to him that the witnesses present would state the facts fully. He replied that this was all Greek to him, and that I should go on and do what was right and needful. The evidence was then heard, and the jury, after a brief retirement, returned a verdict for a sum considerably larger than that agreed upon in the special contract. In a moment the claimant said to me: "These gentlemen have made a mistake; I do not want one cent more for the work than what I bargained for." I immediately rose, stated the circumstances, after which a remitter was entered for the excess, and judgment was rendered for the lesser sum. The judge of the court, himself a farmer, in making the final order, said a few plain words in praise of the plaintiff's action; spoke of it as an example which other claimants against decedents' estates ought to follow. My stalwart client, in his native modesty and diffidence, blushed like a young school-girl at this public mention of his merits.

Mr. Albert S. White appeared only once in the White circuit court—it was at the second term after my admission. He came to present an argument upon a demurrer pending in an important cause which had been brought to our county on change of venue. He

spoke more than an hour. There was a large audience and a full bench, though upon mere questions of law the two associate judges seldom acted. Every one liked to hear Mr. White. He had a very copious and accurate command of legal terms and phraseology. The case involved the construction of a will, and when he spoke of real estate he used the word *devise*; when of personalty, the word *bequeath*; and he never confused them. His own position was always defined in language measured, precise and deliberate, with courteous deference to the court, implied even more than expressed, in his tone and manner. In criticizing the position of opposing counsel, he was trenchant, severe, but classic and ornate. He had an elegant way of transposing maxims and cases cited by the adverse party to his own advantage, which had all the effect of surprise or accident.

At the close of his argument he was complimented in high terms from the bench and by the attorneys in attendance. I went forward, among others, and offered my hand, giving my name. He recognized me in the friendliest manner, as the school-boy of his former acquaintance. "Why," said he, "here is a meeting of Alpha and Omega; you are commencing your professional course, and I am just closing mine." He told me that he had become president of a railroad company recently organized in his city, which required all his time and attention; that he had given up the practice of the law, and did not think he should ever appear in another case. I was invited to call on him at

his room, and I called in the evening. He inquired about my previous occupation and said he was glad I had been engaged in teaching in the country. The business men about a town who know and become acquainted with a young man as a schoolmaster seem to entertain a kind of misgiving as to his ability for any other pursuit. If he becomes a lawyer they avoid him; they are unwilling to consult him in their affairs; they think there is a sort of dust of incapacity that settles upon a school teacher, not to be brushed off; but a teacher in the country is not so much subject to this disparagement.

Kindly directing the conversation to those things most interesting to myself, he gave me an account of some of his early experience in the law practice, in Rushville and in Paoli, in the county of Orange, where he had, as a young man, for a time labored in the profession.

While a student at law I once heard Mr. Rufus A. Lockwood, of Lafayette, then recognized as the leader of the bar in our state. It was a case of homicide, in which the defendant was charged with murder. The attorney for the state and prominent counsel who had been employed to assist him had addressed the jury at length in support of the indictment. Mr. Lockwood rose to reply. He spoke three hours. It was a superb argument, in diction, style and delivery. I had the pleasure some time afterward of hearing Mr. Joseph G. Marshall, and was somewhat reminded by him of Mr. Lockwood; but these highly accomplished advo-

cates afforded rather matter for contrast than comparison. Marshall's argument from first to last was a splendid conflagration; that of Lockwood, a slower, more consuming fire. While Mr. Lockwood was speaking, in the case mentioned, I tried very hard to recall some of the things which had been said for the prosecution by the other side, but found it impossible to do so; even the recollection of them had been for the time benumbed. The jury, I presume, were affected in the same manner; after a brief retirement they returned a verdict of acquittal. Public opinion also soon veered round to universal acquiescence in the result. This was one of the finest attributes or characteristics of Mr. Lockwood's advocacy; it was followed by consequences beyond the verdict, permanent and lasting in the community where the trial had occurred.

Very soon after this Mr. Lockwood left our state, removing to California, where he resided for some years, always, however, with the intention of returning. An old acquaintance of mine, a former client of Lockwood's, who had been in California, gave me an account of a call he made on the distinguished counsel while in San Francisco. He had some difficulty in finding him; at last he entered a room upstairs, where he saw Lockwood sitting alone. In the apartment were three large tables, one of which was covered with maps and furnished with ruler, squares and compass; another with mineral ores, placer and drift, in specimens carefully labeled; the third with books, Spanish and English, piled in separate heaps. After a

long conversation about former times in Indiana, the caller asked Mr. Lockwood why he did not put up a sign or advertise his place of business in the city. Mr. Lockwood replied that he was employed in a case which involved many millions of mining property; that the case required the study not only of law but also of metallurgy and topography, sufficient to occupy his whole time; that he had already received a liberal retainer, to be followed by a full fee for future services in any event, and by such a handsome contingency in case of success that he would no longer need clients or business.

This case was closed after full litigation, Mr. Lockwood receiving a munificent but justly earned compensation for his services; he had been retained in it before leaving Indiana, and was not unknown on the Pacific coast. He spent some time in Australia, where he astonished the judges and jurors of that country by appearing in the guise of a shepherd who had sauntered into court from his cabin in the Bush.

Having accomplished the purpose of his residence in California, he started upon the journey to his home in Indiana. He traveled by the route of the Isthmus, had crossed it from Panama to the Atlantic side; there he embarked upon the steamship *Central America*, and perished, with many others, when that ill-fated vessel foundered during a storm at sea.

His was a marvelous career, wholly professional, unaided by any political influence, by social or ancestral prestige. There has been, as I think, nothing like it

since; perhaps the nearest approach to it was the success of Mr. Judah P. Benjamin in the English courts at London after the fall of the southern Confederacy.

Our townspeople frequently attended camp-meeting. We went as visitors, not as campers; the latter stayed and lived upon the camp-ground during the time the meeting was in progress, which lasted always a week, sometimes longer. The camp-ground was made near a creek or river and in the shadiest woods. Attendance at these meetings was large; the people came on horse-back and in covered wagons, sometimes from a distance of forty or fifty miles. Some of them brought tents; many, however, lodged and slept in their wagons. They usually carried with them cooked provisions, but there were always coffee-fires built along the outer edge of the ground for those who wished to make use of them. Horses and wagons were corralled roughly in the shape of a horseshoe, at the open end of which was the preacher's stand, and in front of it the mourners' seat or bench. The ground beyond this to the line of the wagons was filled with seats, temporarily made with planks and logs, except a vacant space around the stand. The camp at night was lighted by lanterns and by blazing bark or twigs, placed upon small earth-covered platforms, and supported by wooden tripods of proper height; these fires were replenished from time to time by the watchers.

The leading event of a day in camp was the eleven o'clock sermon, usually prepared for the occasion. Afternoon service was less formal; it commenced with

the hand-shake. All standing, you turned to the right and then to the left, shaking hands with whosoever stood next you. Then the testimonies were called for; any one in the audience rose and repeated some short verse or clause from the Bible; forty or fifty testimonies would thus be delivered within half an hour. Comments were made briefly upon one or more of these texts by the ministers in the stand until the audience was dismissed for supper.

In the evening there was a short discourse, followed by prayers and fervid exhortations. The mourners or seekers gathered around the preacher's stand, the elder members of the church mingling with them. Their utterances were loud, irregular and much broken; there were devout ejaculations, singing and shouting. Those that took part in these exercises became greatly excited, forgetful of others, of the audience and its presence. Women were frequent participants. I have known several staid, modest and matronly housekeepers, who were spoken of as *pretty shouters*, not in any sort of derision, but with respectful deference, from the order and decorum which they manifested in this part of their devotions. The people of those days in simple faith accredited these things as gifts or visitations of the Holy Spirit, bestowed upon those who led a pure and blameless life—upon those always and none besides. Often camp-meetings were held year after year in the same place, some site favored by abundance of shade and water. They took place in the latter part of the season, in August or September, when the roads were

at their best and the weather fair, in our part of the state mainly under the auspices of two communions, the Methodists and the New Lights.

The most prominent leader in these religious movements among the New Lights was a Kentuckian, an old man of three score years, but of robust figure and strong muscular development. He was born and reared in the mountain region of his native state. His youth was wild and froward; he had been a noted boxer and fighter. In a famous battle, wherein he had been victor against one of the mountain bullies, he had lost an eye; but the one he had served him well; he read without glasses the fine print of the little Testament and hymn-book which he used in his ministrations.

He owned a good farm, well stocked and tilled. He said he was a farmer by trade, a preacher by calling. A few rude fellows of the baser sort had attempted at first to disturb his meetings; some of these had become zealous converts; the rest were careful not to incur his displeasure. He had a very striking way of enforcing order against trespassers in the congregation. Strange liberties he took with grammar and pronunciation in his discourses, yet none of his fellow laborers impressed an audience as he did. He had the moving accent of conviction, speaking in tones of deep contrition of the sins of his youth; the hearers followed him both in his sorrow and repentance. Troops of friends and brethren gathered round him wherever he sojourned; they called him father, out of pure natural

affection. He was always plainly but neatly dressed in the homespun garb of the country. Belonging to an ancient and honorable order, yet he wore no insignia or regalia; he had been for years a member of the Society of Turners—those mentioned by the prophet: “They that turn, that turn many to righteousness shall shine as the stars for ever and ever.”

These camp-meetings usually closed at midnight of the last day with the singing of some old familiar hymn, in which the whole congregation joined. Inured by the practice of the week before, they kept time and tune in unison; the volume of sound was vast and imposing; the echo rebounding from the neighboring woods, heard in the darkness at the close of each verse, impressed one almost with the conviction that the voices were not all of this world,—that the choir invisible seemed to take part in the responses.

Next morning they took breakfast on the campground, the wagons were packed, good-bys were said and they started on the journey for their homes. There was nothing of hurry or confusion in their departure, no car time to make, no telegrams to excite or disturb, nothing to distract attention from the memories of that season of worship whose closing hours they had witnessed.

Our farmers upon the prairie at that time were also herders and graziers on a large scale. The open unfenced prairie, adjoining their plantations, called “the range,” afforded pasturage rich and plentiful. It was their custom to graze and herd, upon contract, cattle

in large quantities, driven in from eastern Indiana, from Ohio and from western Pennsylvania; these herds having grazed during the summer and fall upon the range, were taken thence by their owners into the market. One of these prairie herdsmen having had, at the close of the season, a dispute with the owners of certain cattle about the amount of his bill, which they refused to pay, impounded the whole herd, declined to deliver it, and forcibly prevented the sheriff from serving a writ of replevin, which they had issued to recover possession.

At this juncture mutual friends of the parties intervened, the herder's bill was settled and paid upon compromise and the cattle were given up to their owners. Some months after this, however, the grand jury returned an indictment against the herder and a number of his tenants and friends who had aided him in resisting the process of the sheriff. These men came to me about a defense to this prosecution. I told them there was no legal defense, and advised them to plead guilty; they insisted that a defense should be made at all hazards. When the case came on for trial a defense was made accordingly. The sympathy of the jury was manifestly with our side, but the judge, very correctly, too, instructed them that the agistor or herder of cattle, at common law, had no lien upon them for the payment of his charges; that the defendants were trespassers from the beginning. They were all convicted and fined. When the farmer came to settle and pay his account with me he asked if there was no

way by which such an unjust and outlandish law could be changed. I answered that the legislature had the power, if they would exercise it, to give the herder or feeder of cattle a lien upon the stock in his possession for the payment of his charges, as the statute gave a lien to mechanics upon a building in process of erection. Nothing more was thought or said by me upon the subject.

In the spring of 1852 this farmer client of mine came into the office, with six others, all prominent herders and graziers upon the prairie range. My client was a Whig; of the others three were Whigs and three were Democrats. They all urged that I should become a candidate for the legislature upon the platform of a new cattle-lien law. At first their request was declined; they were reminded that I was a Democrat, and that the district composed of the counties of White and Benton was Whig by a considerable majority; that I did not wish to abandon business during the winter. Other reasons were given for refusal, but they persisted, and I consented to make the race. The Democratic convention of the two counties met that year at Oxford, the county-seat of Benton; and indeed the county of Benton was entitled to the nomination by rotation; nevertheless I was nominated by acclamation. The convention had been largely attended by the cattlemen of the prairie region, and both Whigs and Democrats were cordially pledged to my support. As the election was to be held in October, the active campaign did not begin until a later period. During

the summer, however, an event occurred very unfortunate for the Democratic party and adverse to my success—the fatal illness of Mr. James Whitcomb, one of the senators from our state, a man of highest order of character and ability, who died in October, 1852. His death, deeply deplored, caused a vacancy in the Senate, to be filled by a successor chosen by the legislature, for a seat in which I had become a candidate. The question of the anticipated senatorial election, suddenly thrust into the campaign, had a tendency to draw the lines of the party more rigidly, and the leaders of the opposition urged, with frequent emphasis, that under these circumstances a Whig district ought to elect a Whig representative.

When the time came for active work I made a close personal canvass of the constituency in both counties, and also held public joint discussions with my competitor at various places. It was a presidential year, another circumstance unfavorable to me; we debated the general issues between the parties in these meetings, but I always used a good deal of my allotted time in discussing the subject of the cattle-lien law, as it was called, insisting upon the justice and necessity of such legislation.

Travel in this campaign was made altogether upon horseback. A large part of the country to be canvassed lay in the Grand Prairie. There were miles of uncultivated land, wholly treeless, without even a bush to make a riding whip, but the growth of the grass was so rank and close that a wheeled vehicle would have been

a useless encumbrance. I met, and accompanied to their appointments in the two counties, the Whig and Democratic candidates for Congress, who traveled together on horseback, and who also had joint discussions. This was the usual method of making the campaign, and continued to be such for many years afterward.

There were several reasons against the probability of my success in this candidacy, some of which have been noted; but I was elected and thus became a member of the first biennial general assembly convened under what was then called the new constitution.

It was during this campaign of 1852 that I became really acquainted with the prairie and its people. The country was very sparsely settled; there were few roads, and the traveler might ride for hours without meeting or seeing any one; he directed his course by the sun, or, if it were a cloudy day, by the distant groves, which looked like islands in this vast expanse of grassy plain. Sometimes he traveled in solitude a tract where he could not see timber at all, like the sailor out of sight of land; the landscape in every direction was bounded by a horizon wherein nothing appeared but the green below and the blue above. The surface was generally level, broken only by slight undulations, and had the monotony of an ocean view with the same pleasing variety—whenever the wind blew, the tall grass rippled, fell and rose again in marvelous similitude to the sea. When the sun was not to be seen, and the weather was so hazy that the groves were not vis-

ible, the stranger had better retrace his steps; to be lost on the prairie was by no means a pleasant experience.

The most notable plant in these great natural meadows was the blue-joint grass, so called from the color of its stalk and leaves, which was dark green with a bluish tint near the ground. It was indigenous to the prairie, not found in the woodlands. The blue-stem ordinarily grew to the height of a man's shoulder, sometimes so tall as to conceal a man on horseback. Cattle, sheep and horses were all fond of it; during the whole growing season and until late in the fall it was tender, juicy and succulent; cut and cured as hay, it was by many thought to be as good as the best varieties of the cultivated grasses. It was not at all like the swamp or marsh grass, being found only on rich and comparatively dry land. The acreage of this wild meadow growth was coextensive with the prairie.

Although the range was pastured by numerous and large herds, there were many miles of blue-stem that seemed never to have been grazed upon save by the deer. When the deer, tempted by curiosity more than appetite, made a visit to the fields and clearings in the timber, a chase followed. As long as the pursuit was confined to the woods he might be overtaken or brought to bay; but when the stag reached the open prairie he ran no longer; he jumped, he leaped twenty or thirty feet at a bound; the hounds entangled in the long thick grass soon lost both scent and sight, and the game escaped. The prairie was a grand resort for

game, both great and small, but it was hard to draw the cover.

The blue-stem was a free-born native of the soil. It would endure burning and thrived lustily after its cremation, but it could not bear captivity. It scorned inclosure, resented being too often trodden under foot, and brooked not cultivation in any form. Thus when fields and fences came into vogue it soon disappeared and has now become almost extinct. It was this grass, the blue-stem, which furnished fuel for the prairie fires. In the fall it ripened, becoming very light and dry, changing its color to a grayish white. Here then were thousands of acres of highly combustible material, awaiting only the touch of the torch. Sometimes the fires originated by accident, sometimes by design. A herdsman intending to burn off a certain space to improve the pasturage, set out fire for that purpose; but if it escaped from his control, and were carried by the wind, it spread with amazing rapidity, and became then what was called a wild fire. A wild fire on the open prairie was a magnificent spectacle, combining all the elements of terror and grandeur. It compared with a fire in the woods or in a city as Niagara compares with the waterfall of a mill-dam. In advance of it was heard a loud roar, sullen and incessant; volumes of smoke arose from its burning front, obscuring the light of the sun, clothing the whole landscape at midday for miles in the somber hues of twilight; huge masses of flame, in startling form and figure, leaped high into the air; innumerable glowing sparks, as if from a furnace,

flew before it and fell on the dry grass like flakes of fiery snow.

When this blazing peril threatened a farm, the neighbors mustered a fire-brigade in hot haste. They came, riding at full speed; they had seen the signal at a distance and knew by the course of the wind what place was threatened. These firemen were each equipped with a pair of buckskin gloves and a bundle of long twigs made into what was called a brush or fire broom. A sort of skirmish line was quickly formed between the premises in danger and the coming fire. These skirmishers rapidly set out fires along their whole line, which spread toward the place to be protected; but these fires were kept carefully under management until they had consumed all the grass in a space of sufficient width, when they were whipped out with the brush. The firemen, taking their stations at intervals along the inside of the edge of the space thus burned off, waited for the coming of the wild fire. The heat from it became intense, the smoke was dense and stifling; but they remained at their post. When the wild fire reached the outer line of the "need-burn," as the burnt-off space was called, it halted. Having nothing to feed upon it died down, and the flames gradually subsided. The only danger then was from the sparks, which, borne by the wind, now risen to a gale, were sometimes carried clear over the need-burn into the dry grass beyond. The skirmishers, at this time, did lively work. They watched where the sparks fell, and wherever a blaze appeared they whipped it out. After

a while the fire in front ceased burning, the sparks coming from it were all black and dead, the danger point was passed, and the neighbors dispersed to their homes.

This service of the prairie fire-brigade was one of hard work and of some danger, requiring a quick eye, rapid movement, presence of mind and much endurance. The thirst, aggravated by the heat and smoke, became almost intolerable. Having been once or twice engaged as a volunteer in such a contest, I can speak somewhat as to its character. I have, in some sudden emergency, heard even of women working on the fire-line, but usually they were sent with the children to a place of safety.

Charred remains of a great prairie fire were, to the beholder, more impressive than the ruins of any other conflagration. Let him take his position near the center of a burn of three or four thousand acres and look round him. He might well fancy that the whole earth was hidden beneath the pall. Here and there, rarely, he might see a white spot on the blackened surface; this was a small patch of the dry blue-stem which, by some inconceivable caprice of the wind, had been left untouched by the flames. Such a sight was more remarkable, as it was more unaccountable, than that of the famous Ogden house among the fire ruins of Chicago. The escape of either seemed a miracle, but that of the tiny grass-plot was the greater.

CHAPTER EIGHT

THE FARMER ON THE PRAIRIE—THE PRAIRIE GROVE
HOMESTEAD — SENATOR PETTIT — MR. JUSTICE
BLACKFORD—THE GENERAL ASSEMBLY OF 1853.

The pioneer upon the prairie differed somewhat in his character and surroundings from the settler in the timbered lands. The freeholder of the prairie was comparatively a man of wealth. Forty, eighty, or one hundred and sixty acres made for him no farm. A half-section was a small plantation, and a whole section, six hundred and forty acres, was not a large one. Two or three adjoining sections, and sometimes more, were found in the same estate. The material for his buildings, firewood and fencing, were brought from a distance at a considerable outlay of time and money. His dwelling was a frame—a log cabin in the open prairie would have been a costly structure. It was a large, substantial building, and often stood upon a stone foundation, made of the thinly scattered boulders gathered from the fields. His chimney was built of these also, topped out with brick. His field fences were mere skeletons of one or two rails or planks,—a sort of notice or caution to trespassers; frequently he had hundreds of acres of corn or other crops growing unin-

closed upon the prairie; his swine were penned, his cattle and sheep were closely watched and carefully herded, so that they committed no depredations.

The old settler upon the prairie was not a tree-planter. He rather affected to dislike shade, except that afforded by his own house and its porches, which were always built with due reference to the course of the wind and sun. He cared not much for the garden—ordinary vegetables he raised as field-crops; to raise flowers, when the landscape round him teemed in summer with flowers of every hue and color, he thought to be a useless and needless occupation. His products, except wheat, were marketed at home, and sold on the place. He did not even gather his corn, save enough for his own use; he sold it when ripe by the acre, *on the stalk* in the field, to some of the cattle dealers who turned in on it, and thus fattened their stock for the market; oats and rye were frequently disposed of in the same manner. His wool clip was purchased in the fleece, usually by the same customer, year after year, who visited the plantation for that purpose.

The prairie farmer did not often go to town; when he went there he took his wagon and part of his family, made his stay at the tavern, of two or three days, which he spent in milling and shopping. His purchases were large; he bought and sold with somewhat of a free hand. His views of life and motives of action were broader, more mobile than those of the settler in the clearing among the timber. He was less staid, less conservative, more given to novelties both

of practice and opinion. The modern improvements in agricultural machinery were first largely tested and adopted in the prairie region of the state.

In early times the chief enemies of the prairie husbandman were the deer and wolves. The deer came often in large numbers to browse upon the growing crops. He lay in wait for and slaughtered them without mercy. He set no great store by venison; only the choice parts were saved, and the rest was flung to the dogs. The wolves were trapped or poisoned; when they became very troublesome he organized with his neighbors a circular hunt, and destroyed whole gangs of these marauders in a single day. Most of his time was spent at home, about the place, his herds and crops needing daily care and labor. Of course, his conversation was largely of bullocks; he could tell a steer by its countenance, as one man distinguishes another by his face; but he was not ignorant or unmindful of other things. His neighbors were in sight, but far off, and when he went to church it was to the school-house in the grove, miles away; he went only in pleasant weather; wife and children could not bear the freezing winds encountered in the long drive across the prairie in winter.

The most fortunate of the first settlers on the prairie was one who had entered a tract of land upon which stood a grove. These fortunate proprietors were not very numerous—there were not many groves; they were as well known as the towns or villages, and all had names. Some of them were named from the first

settlers in them, some from the kind of timber which grew there, as Walnut or Hickory; others from their form or contour, as Long Grove, Round Grove. They were of different areas, the largest possibly including a whole section; they were separated from each other by many miles, and by a still greater distance from the mainland of the timbered country. Prairie groves were of no recent origin; large trees were found in them of full size and height, and the surface was strewn with the decayed trunks and branches of former generations which had died and fallen from natural causes. These oases sometimes stood upon a tract slightly elevated, but oftener on the same level with the open plain around them.

The grove was a sort of enigma or problem in the natural history of the country, various causes being assigned for its origin. The most probable account was that they had been the former sites of Indian encampments, made during the hunting season in the fall; not of Indian villages—these were always located near a lake or watercourse—but places of temporary sojourn to which they carried their stock of walnuts and other food, which they would bury in the ground for safe-keeping during their absence in the pursuit of game. Remnants of such a *cache*, left in the earth by a careless or sudden departure would, of course, germinate and would be the beginning of the grove. A fact which strongly supports this theory is that these forest islands were usually composed of nut-bearing trees, frequently of no other.

A very singular circumstance about the prairie grove was its fixed limit or boundary. The oldest settlers in that part of the country, who had lived there during the period of a generation, related that the timber had never encroached upon the prairie, its growth and renewal being wholly interior. I have, myself, noticed fringes of hazel, huckleberry and alder growing along the outside, but these were evidently recent plantings of those volunteer seedsmen, the birds and the squirrels, who, after the trees in the grove had grown, made their haunts and homes in its vicinity. As the timber did not encroach upon the prairie, so the prairie did not invade the timber; this natural law of neutrality was necessary to its very life and existence. If the prairie grass had spread out over the surface of the grove, as it did elsewhere, the trees would have been destroyed by fire. These fires on the prairie were quite as frequent in the time of the Indian occupancy as during the subsequent settlement of the country by the whites. Nothing grew in the grove, usually, except seedlings and second growth of the older trees in it—very little grass or underbrush of any kind; it was an open woodland.

The owner of a grove farm lived in the grove. His house, barn and other buildings were made of boards. He was chary of his woods. He culled out carefully his saw-timber, hauled it to the mill and brought it back in the form of lumber. The trees to be used for fencing or fire-wood were every year selected and marked; he trimmed the younger saplings, somewhat as a man would trim his orchard. His arable lands lay round

him ready for the plow, and the long furrow, drawn for a mile across the level prairie, turned up in its course no stone or pebble larger than a hazelnut. These chieftains of the prairie led really a dual-life. They dwelt in the forest, farmed in the plain. The house of such a farmer was a frame of two stories; the rooms were plainly furnished, but airy and well lighted. He had his orchard, garden and shrubbery. The grove was a friendly wind-break, in whose shelter these prospered. He had all things and abounded. In the long, hard winter he would allow his neighbors who lived in the open to cut and take fuel from the grove, saying that he should not miss the wood so much as the women and children; that they should not suffer from the cold. Much of his comfort, many of his duties, arose from contrast. He always gave a parcel of ground in the grove, near the outskirts, for a school-house and furnished the lumber to build it. This school-house and the grounds about it were used for other public purposes, among these, for religious worship. Sometimes the owner of the grove-farm would entertain at his table all who came to the meeting, especially if the presiding elder whom he liked attended and preached upon the occasion. He became, merely from the site and character of his possessions, a social, often a political leader in the country side, but this leadership had nothing in it of harshness or oppression.

In 1851, as now remembered, I had to take the deposition of a witness then lying ill at his house in the western part of Benton County, not far from the Illi-

nois state line. The trip was a journey of two days on horseback, mostly through the open prairie range; it was made in the beginning of December. The deposition was taken, and I had traveled nearly half-way home, reaching a grove, with the owner of which I was well acquainted. The weather during the day had been clear, and if the night remained so I had determined to cross the prairie before stopping; but just as I rode into the grove it began to snow, and it was thought better to turn aside. I rode up to the farmhouse; my friend was glad to see me and the night was spent very comfortably. When I arose in the morning five or six inches of snow had fallen, and the wind blew hard and cold; but I was anxious to get home and spoke of going on toward town. My host, after breakfast, took me up into the attic, where there was a sort of dormer-window, through which we looked out over the prairie. We could see plainly enough to the edge of the grove, but nothing beyond. The dry snow, tossed and driven by the wind, filled the whole atmosphere so thickly as to obscure everything, both earth and sky.

My friend said that no one could travel in such weather, that one would certainly be lost and frozen on the range; that I must stay with him until the wind fell, and that he would be glad to have my company. I stayed while the storm lasted, all that day and the next, passing the time very pleasantly for a prisoner snow-bound. In the evening we played checkers or backgammon; sometimes I read aloud to the family such things as they chose. My friend had not

many books, but they were of good quality and authorship. In the daytime we went once or twice to look at the cattle and sheep housed in the woods by reason of stress of weather.

On the morning of the third day of my sojourn the sun was shining brightly, the snow was thawing, the wind had fallen, and the prairie stretched far away, white and still as a frozen sea. I took leave of the hospitable inmates of the grove and resumed my journey.

The prairie region in our state and the pastoral life incident to it continued without much change or interruption until the year 1860. After that time the railroads began to run across it in various directions; this was followed by an ever increasing migration and by a rapid sale and subdivison of the lands. New roads and highways were established, paralleled by long lines of fence and hedge; orchards and tree planting were generally introduced; so that this portion of the country does not at present differ very much in appearance from those parts cleared and improved from the original forest. A much larger number of people now inhabit this region than before, and perhaps live more happily than they could elsewhere. The old-fashioned patriarchal life of the prairie has disappeared among these changes; it was a condition of life for those who enjoyed it hardly capable of improvement.

In my solitary rides across the range, fifty years ago, I used to think sometimes what a grand theater the prairie would have afforded for the operation of the feudal system, and to consider also the effects upon the

system caused by its physical conformation. In this broad level plain extending to the Illinois line, and far toward the West beyond, neither sites nor material would have been found for the mountain fastnesses of the robber knights; the castle and the donjon surrounded by its stone walls of massive masonry could have had no existence. The feudal lord or baron must have had his residence in the grove in a mansion of wood or brick with fortifications of earthwork easily accessible and readily subject to assault or siege. The revolts of the tenantry against feudal oppression would have been much more formidable than they were in those countries where, during the Middle Ages, they so often occurred; and although the even and uniform face of the country would have made a field very favorable for the movements of cavalry, the chief military force of the time, yet when this force suffered a defeat, as they frequently did from the bowmen and pikemen of that period, such a disaster would have been irretrievable. The armored riders upon their mail-clad steeds could not, by crossing a drawbridge, have found refuge and safety behind lofty bulwarks and bastions rock-built and founded. The consequence would have been that all questions arising between these military lords paramount and the people whom they ruled must have soon become the subjects of parley, treaty and negotiation. Charity and courtesy, those chivalrous virtues of professed knighthood, would have found larger opportunity for their exercise; public opinion would have obtained in some form an early and potent

recognition; the whole civil policy would have been much ameliorated; but even as thus amended and improved the system would have had a much briefer existence than that which it attained in the countries of Europe where it so long prevailed.

These were but passing fancies, yet still there might be traced a real though slight resemblance between the knight or baron, who was lord of the manor, and the large landed proprietor of the Grand Prairie. The source of such a proprietor's influence was like the baron's territorial, it was an appurtenance of his two or three thousand-acre farm. Like the baron, he had his following of retainers and dependents. Within the lines of this spacious freehold lived his tenants, his farm-hands, his herders and helpers; outside the bounds of his estate were his neighbors, at a distance from himself and from each other, small landowners, perhaps only squatters or preëmptors who had not perfected their titles. These all paid him a certain deference, but it was a homage altogether voluntary; it depended on the good will of those who rendered it, which was very seldom lacking; for in that far-off time the dwellers on the prairie, rich and poor alike, were noted for their observance of the genial duties of hospitality.

The general assembly, to which I had been elected, met on Thursday after the first Monday in January, 1853. Under the constitution of 1816 our legislature had met like Congress, on the first Monday in December. The change in the month, under the new con-

stitution, was made to place the holiday season, the week between Christmas and New Year's, outside of the legislative term; the change in the day of the week was made in deference to the Sabbath. Under the old law a member desiring to attend the organization on Monday, the first day of the session, could not spend Sunday at home, nor could he spend it at the capital, except in the work of the caucus or conference. Members may now spend the Sunday before the session at home, and may travel from any part of the state in time to participate in the work of organization in the week-days preceding the opening of the session.

I left home on Monday, riding on horseback to Lafayette; my trunk followed in a wagon hauling grain to market in that city. On Tuesday morning I took the train on the railroad, then newly finished, from Lafayette to Indianapolis, and arrived there about noon. I was an entire stranger, this being my first visit to the capital. The place was distinctly marked as such. The State House, the mother branch of the State Bank, the Blind Asylum, and other public institutions, denoted this even more definitely than they now do, as they were so much larger in proportion to the surrounding buildings than at present. The manners, language and conversation of its inhabitants not only designated it as a capital but as our capital. Indianapolis was then, and is yet, very much like the people who live in the country round it and have made it their seat of government.

The first business of the legislature was to choose

a United States senator in the place of Mr. Whitcomb, whose death has been already noted. The prominent competitors for the position were two—Mr. John Pettit and Doctor Graham N. Fitch. Doctor Fitch, whom I favored for the nomination, was then the member of Congress from our district, and was in every way worthy of such a promotion; but it cost me no struggle to vote for Mr. Pettit when, after a close contest, he was chosen by the caucus and, in due course of procedure, was elected as Mr. Whitcomb's successor. I had known Mr. Pettit for some years as an attorney and advocate; his standing at the bar was high, his experience in public affairs had been considerable. He had been a member of the legislature, of the convention, and of the House of Representatives in Congress, and district attorney of the United States before his candidacy for the Senate. In the campaign of 1852, just closed, he had, as elector at large, made an active canvass; his colleagues on the presidential ticket gave him valuable assistance in the senatorial contest.

After his service in the Senate he became, successively, chief justice of Kansas, judge of the court in our circuit, and, for several terms, a member of the supreme court of the state. He had great ability upon the hustings, a winning suavity of manner when he chose to make use of it, much independence of spirit and such unblemished integrity and fidelity in the discharge of official duties as commended him to the confidence of the people. He was one of the most perfect readers of instructions to a jury I ever heard. He read slowly,

and the pauses, the emphasis and inflections of his voice were so well marked and so apposite, as both to interpret and to enforce the text. When, however, instructions were given somewhat under compulsion of precedent or authority, not altogether agreeing with his own opinion, these were read with clearness and distinctness; not a word was omitted, but there was yet a curious subtone of query and unrest in the perusal. This difference of intonation was involuntary; he seemed to be, and was, wholly unconscious of it. No one, in a long judicial career, has left us a more plenary example of absolute impartiality and of the even-handed administration of justice than this, our first senator chosen after the adoption of the new constitution.

Among the persons upon whom I called during the session of the legislature, was Mr. Isaac Blackford. He had been for so long a period chief justice of the state, and his opinions in the published reports had been so much the subject of my reading and study, that I accounted it a privilege and favor even to see him. He was then, and yet remains, in the estimation of the world at large, the most eminent jurist of Indiana. A member of the bar and of the assembly, somewhat my senior, who was acquainted with Mr. Blackford, accompanied me in this call. We were received in the kindest manner. The room which we entered was in some disorder, books and papers lying scattered around it, some of them upon the floor; our distinguished host said that he had been engaged in

some work and had left the chips where they had fallen. After brief but cordial greetings we rose to retire, but he asked us to tarry, and seemed to be in the mood for conversation. He told us that he was glad to meet members of the bar as lawmakers; he thought attorneys ought not to shun legislative duties; that a seat in the general assembly was a useful position, both for discipline and instruction. When the reports of the decisions were mentioned, now about to be concluded after his retirement from the bench, he failed not to give full credit to the genius and learning of his late colleagues, Mr. Dewey and Mr. Sullivan. He did not at all speak in disparagement of the future or of the recent changes which had largely affected his own position; he spoke in the most hopeful terms of the system of an elective judiciary which had greatly altered the character of the court wherein he had so long presided.

He had served as a representative from Knox County, and as a speaker of the house in the first general assembly held after the admission of the territory as a state, and he spoke in the frankest and kindest manner of the men and times of the old capital—Corydon, whence, as he jocosely remarked, he had been removed along with the archives and other state property, many years before, to the new seat of government. More than once he inclined to express the wish that he might again reside among the people of his old constituency in southern Indiana.

Blackford was a man of strong intellectual caliber,

a scholar of ripe culture, of commanding position, and the familiar associate of the highest and best men in contemporary circles in the state and elsewhere. He was thoroughly acquainted with the fathers and founders of our commonwealth, and thoroughly admired and honored them. His reputation was at that time, and yet is, world-wide. His reports of the opinions of our supreme court, published during his service, were cited as authority by the most eminent counsel in the highest tribunals of London, New York and Calcutta, wherever the common law prevails among English-speaking people. Much of this celebrity was due to the terseness of style, the profound erudition, and the strong incisive reasoning of these famous Indiana rescripts; yet it was also somewhat owing to the time and period of their publication. The procedure, principles and pleadings of the common law were then of almost universal application among the Anglo-Saxon race. In our state these were now to give place to a novel and different system. The new constitution, the civil and criminal code, the revision of former statutes, and the continuous legislation, not even yet completed in accordance with this basis, at once demanded and has since very largely, engrossed the attention and deliberation of our supreme court. Its jurisdiction has not been lessened, but the sphere of its reputation has been thus greatly diminished. Opinions and decisions have been necessarily restricted mainly to questions of our own law, in which

the outside world is not so much concerned or interested.

Nevertheless, Blackford's place in the history of Indiana can not be mistaken. He comes to us as the wisest interpreter of the old constitution and as the harbinger of the new. He was identified with the middle period of transition, between two widely different dispensations. The era and the man are alike memorable.

The meeting of the general assembly fifty years ago made a very perceptible impression both upon the business and the society of the capital. This society was very busy, brilliant and animated during the session. It was composed of residents of Indianapolis, the officers of state and members of the senate and house, and their families, with a number of persons from the outlying towns and counties who came to Indianapolis to spend the winter during the legislative session. The theater and other public amusements were of a high order; the evening lecture course was regular and largely patronized. In the old Masonic Hall you might have heard Wendell Phillips, George D. Prentice, Mr. Murdock in his Shakespearian readings, and other celebrities of the middle of the last century. The round of private parties was constant and uninterrupted until the final adjournment in March. The lobby, or third house, was quite as well known then as now; it consisted of persons belonging to the society of the capital. The speaker or leader

of the lobby was usually a resident of the city, a gentleman of polished manners and address, well fitted for the social functions of his position. One of his principal duties was to take care, from week to week, that the various parties and entertainments did not interfere with one another or with the public sessions of the two houses. He was well acquainted with the officers and members of the legislature and was in frequent communication with them; but he had no connection with public business, said nothing upon legislative subjects, and took special care to avoid these topics. In conversation he made no allusions to those things, and the lobby maintained a like reticence. Persons belonging to the third house frequently called members from their seats or buttonholed them as they walked to and from their lodgings. The object of these interviews was to remind the member of some entertainment or to secure his attendance at the charity ball or church festival.

Often the lobby and its leaders attended our sessions. Upon such occasions as the delivery of the governor's message, a joint meeting of the two houses, or some stirring discussion in either branch, the ladies and gentlemen of the third house came in full dress and form and the old halls wore a very gay and attractive appearance. The chambers of both houses were well but plainly furnished. Seats, whether inside or outside of the bar, were uncushioned, except of the presiding officers. Every attention was given to comfort and convenience, very little to mere luxury or display.

Yet if you had the good fortune to hear Mr. Thomas

Ware Gibson or Mr. George P. R. Wilson of the senate, Mr. Pratt or Mr. Scott of the house, in the flow of high discourse upon some of their favorite themes, you would have forgotten all about the mysteries of upholstery, nor would you for a moment have thought the hall not amply furnished. The ornamentation and furnishing of a legislative chamber are best shown in the excellence of the talents and merits of the membership. Where these are lacking the place may be finely kept and garnished with a full supply of carved work in mahogany or walnut, with much profusion of scarlet or crimson in the drapery, but it is still empty and unadorned.

It was then some years before the advent of the street-car, and there were two methods of city travel—one by the carriage or omnibus, the other afoot. Members, for the sake of exercise, usually chose the latter. The streets, the State House, and other principal buildings, were lighted with gas; lamps and candles were yet in general use elsewhere. Several of the ablest men of the state were serving in the house or senate. They had not undertaken this service for any pecuniary gain or profit. The pay of a member was three dollars a day. Few of the members were wealthy, none of them were poor in honor, in integrity or in the riches of a good name.

Strolling on a Sunday morning in the Circle, then a very pleasant place for a morning ramble, you might have seen Governor Wright leaving his house on the way to church, where he was very punctual in attend-

ance. If he met any of his acquaintances, not residents of the city, he invited them to join him, and the invitation was usually accepted. The governor lived in the executive mansion; it stood on the north side of Market, between Illinois and Tennessee streets.

Our capital city at the time was well known as a Sunday town, no less from the regular observance of the day than from the church-going habits of the people. Religious services were occasionally held in the hall of the house of representatives, and a quorum of both branches might be counted among the congregation. The person who officiated was some minister of distinction who had, on his journey between the East and West, tarried over to spend the Sabbath in Indianapolis.

CHAPTER NINE

SERVICE IN THE GENERAL ASSEMBLY OF 1853—THE
BENCH AND BAR OF FIFTY YEARS AGO—LAW, LATIN
AND LEGAL MAXIMS—JOSEPH A. WRIGHT—JOHN A.
WILSTACH—GEORGE W. EWING—ALBERT G. SLOO—
MR. JUSTICE WORDEN

In the meantime the special purpose of my legislative mission, the bill for the enactment of a cattle-lien law, had not been forgotten. It was prepared and introduced at an early period in the session, had been referred to a committee and favorably reported. A diligent personal canvass was made in its behalf among the members of both houses. The governor, Mr. Joseph A. Wright, with whom I had conversed on the subject, said that he would approve the bill with great pleasure, and expressed his surprise that no such provision had been made by former legislation. The governor indeed had a very lively concern in all matters pertaining to the farming interests. Not only his official acts, but much of his personal attention and labor, were devoted to their advancement. He may be justly regarded as the founder of the state Board of Agriculture, and of the system of fairs and agricultural exhibitions which have since been so frequent.

Of course these things had at the time the attraction of novelty for our people; but their prolonged existence and continuance show a permanent utility.

The bill encountered some resistance in the house, and among its opponents was Mr. Pratt, my law preceptor, who was a representative from the county of Cass. I regretted this, but was not surprised by it, as he had before told me he could not support the measure; he thought it was too much of an innovation upon the principles of the common law. Several of the elder members of the bar in the house held the same opinion. There was a full debate upon its merits, but the bill passed by a handsome majority and was sent to the senate. Mr. Ashbel P. Willard, the lieutenant-governor and president of that body, and Mr. James D. Williams, then a senator from the county of Knox, cordially gave it their support. It passed the senate without debate, was approved by the governor and thus became a part of the law of the state.

Immediately after the adjournment of the legislature I went home, and found clients and cases awaiting my return. I was heartily congratulated by the constituencies of both counties upon the success which had attended these efforts. This public service had in some way given me a measure of prestige which placed me more nearly on a level with my seniors at the bar,—a class of men for whom I entertained the highest esteem and admiration. In the treatment of their juniors in the profession they were kindly and generous, not forgetting the days of their own probation as begin-

ners. Many of them were persons of fine natural endowment, as well as of liberal acquirements, who had achieved distinction by the most sedulous application to duty in the line of their calling; all of them were post-graduates in the rugged school of that stern master, experience.

The members of the bar fifty years ago were a convivial fraternity. They made a free use of stimulants; they drank, not to any gross excess, but the habit was general. In like manner, with few exceptions, they played cards, and frequently for money; but the stakes were small, and no one was ever enriched or impoverished by the result. Our circuit judge, though he was an inveterate player, would never admit that he gambled. He had a handsome euphemism for the occasion. Approaching an attorney, with whom he was well acquainted, he would say that he had a little money in his pocket about which he was uncertain whether it belonged to himself or to the person he addressed, and would invite him to his room in the evening, so that they might have a trial of the right of property to determine its ownership. The trial of course took place at chambers. Any member of the bar who called might interplead and take part in the action. Outsiders were not admitted; to that extent the game was exclusive.

When a regular symposium was held, usually at the close of the term, these games were accompanied by music, the songs of the circuit. The ballads sung were jovial, but not beyond the line of becoming decorum. *In the Season of the Year, Gabriel's Wedding,*

Life Let us Cherish, and the *Arkansas Gentleman*, were specimens. The *Arkansas Gentleman* was a general favorite. It was a sort of poetical centipede, having rhymed terminals, though the feet in the lines were irregular and almost innumerable.

This fine Arkansas gentleman went strong for Pierce and King,
And when the election was over he went down to Washington to
get an office or some other comfortable thing;
But when he got there the boys told him, that the trumps were all
played and the game was up, yet they treated him so fine
That he came back to his plantation and lived happier than ever
just on the Choctaw line.

The counterpart of this pilgrim to Washington might doubtless be found in many places to-day; no poet has celebrated his journey, and even if some of our bards had done so, it is hardly to be supposed that any member of the bar would now sing or even deign to listen to such a roundelay.

The *Choctaw line* became a proverbial expression in our circuit for a life of good cheer and hospitality. A witness called in a certain case to a question of character, after answering the usual inquiries, summed up his statement with the remark that the gentleman asked about was an honest man, a good neighbor and citizen, and had lived for many years as near to the Choctaw line as any person he had ever known. This evidence was perfectly understood both by the judge and jury engaged in hearing the cause. These convivialities of the bar were limited to the members of their own brotherhood and occurred when those

who participated in them were off duty. These same gentlemen, when engaged in the court-room in the trial of a case pending, were models of the gravest propriety. When the active business of the term was over the revels commenced; all waited for the final adjournment, and no one ever thought of leaving the judge to make the journey alone to his next appointment. It must not be forgotten that these veterans of the bench and bar were living at the close of what might be called an old dispensation, the distinctive feature of which was the circuit practice. Much of their time was spent away from home. On their travels, mostly made on horseback, they encountered bad roads and often worse weather; their professional work was performed with great skill and fidelity, frequently under circumstances of much discomfort. When the labors of the term were ended, or, to use their own expression, when school was out, they felt as if they had a right to some amusement. They took not the least pains to disguise or conceal the character of their recreations as these were not, in their view, the subject of any reasonable reproach or discredit.

Members of the old bar were not at all inferior to those of the new in capacity or integrity, in dignity, courtesy, or learning. These patriarchs made no sort of claim to virtues, or so called virtues, which they did not possess, or to habits which they did not practise. They did not write elaborate essays for the magazines upon the subject of professional ethics, but they thoroughly understood and rigidly enforced the rules

of that species of morality. The attorney who indulged in sharp practice against his fellow member of the bar might once or twice be forgiven, but he who resorted to such means in dealing with a client or a layman instantly lost caste, and that beyond respite or remedy.

The fee was regarded as a proper accompaniment for legal service, but it was not made the chief object in their professional life. They were untouched by the commercial spirit, untainted by the slightest trace of reverence for wealth as such. They felt in their faces the breath of the coming age; overheard in the distance the gigantic steps of approaching material progress, and somewhat adapted their methods to its action, but always within the elemental lines of rectitude and justice.

Sometimes seated around a blazing log fire in a way-side country tavern, they discussed with keen zest and much philosophic foresight the probable legal questions of the coming time. Having done this they left these subjects, not without deep concern, but with unfaltering trust and confidence, to the wise and pure arbitrament of the tribunals of the future.

Law Latin was a familiar phrase and thing in the practice half a century ago. In the ordinary proceedings of the courts it was heard often, and it abounded in the pages of the old text-books, though our modern law-writers have banished it to the foot-notes. For centuries after it had been enacted that the oral proceedings in the English courts should be conducted in

the vernacular, the formal writs and pleadings still continued to be written in Latin. This usage still survives in the names commonly given to such writs as *habeas corpus* and others. Nor do we make a very radical change when we use the words information, mandate, or prohibition as substitutes, since these, like court, jury, judgment, injunction, execution, evidence and verdict, are all Latin derivations. Thus our escape from Latin has not been very far or free; we speak of legal proceedings in a dialect of Anglicised Latin and can use no other. We pay a verbal tribute to Rome, the ruler of the ancient, and in this respect still the mistress of the modern world.

In the practice at the bar in those days Latin citation was very frequent. It was noticeable that those who knew less about Latin were most fond of quoting it. There was a certain attorney of our circuit, of considerable natural parts and ability, a native of that island so famous for its potatoes and potations, not elaborately versed in the law, but gifted with much shrewdness and a ready sense of humor, who had acquired this habit of frequent Latin quotation, and sometimes made singular errors. He was on one occasion engaged in making an argument upon a demurrer, in which he referred repeatedly to what he called "the well known Latin maxim of *De tinimis non curat lex*." The judge hearing the cause corrected this, but the learned counsel was not inclined to acquiesce in the amendment; he said he knew very well what the word meant, and that we had almost the same

word, *tiniest*, in English; so that the alternation of *de minimis* from the bench and *de tinimis* from the bar was for a while quite amusing.

Mr. John A. Wilstach, of Lafayette, sat near during this colloquy and enjoyed it very much. This gentleman was one of the best Latin scholars in the state, but though an eminent and learned lawyer, he seldom used Latin in the courts. He was thoroughly acquainted also with what may be called the first cousin of the Latin tongue, the Italian. His rhymed versions of Dante and Virgil, the only translations of those poets made by an Indianian, are works of much merit. He was of an extremely quiet and unobtrusive demeanor. His ordinary conversation was of the country side, dwelling much upon local county history and upon the migration of the early pioneers and their descendants. You might have taken him for a member of the stay-at-home club, though he had traveled extensively and under the most favorable auspices. He was appointed by Governor Morton commissioner for our state to the International Exposition at Paris. While abroad he made the tour of Europe; had a personal interview with the pope, of whose wide communion he was a member; walked the streets of Pompeii and gazed into the crater of Vesuvius, at a time when, among our western folk, such adventures were not so common as they have since become. He was a stanch Republican, but wholly devoid of political ambition. Earnestly devoted to his profession, he employed his leisure in literary research; he never desired

office and held none, except the commissionership. He spoke very little of himself or his works, but took pride in his state, in his city, in their people, and was one of the latest survivors of the old practitioners in his circuit.

I have heard Mr. Wilstach, more than once, make a commentary in conversation upon the law maxim, *Salus populi suprema lex esto*. He said that this maxim had been very harshly treated by lawyers, public speakers, and notably by the advocates of that wild justice called lynch-law. These persons, he observed, begin by misquoting it. The last word in it is not *est* but *esto*. It is sometimes attributed to Cicero, who indeed cites it, but it is much older than his day. It is first found in the Roman enactment called the *Twelve Tables*. The authors of that legislation, after making a number of statutes, some civil, others criminal, add this by way of advice for future action: "*Salus populi suprema lex esto*." That is: in all your lawmaking let the welfare of the people be your chief object. These modern interpreters apply the maxim as if we ought to forsake the known law whenever they may deem it for the public advantage to do so. But this adage is not, and was never intended to be, a rule for the conduct of private persons or individual citizens, either singly or in any number; it is given only as a rule for legislators,—lawmakers acting in their public capacity. An unorganized and miscellaneous multitude are not lawmakers, and in violating the known law of the country they are without

any justification from this maxim save that derived from the misuse of its language and meaning. I have since noticed a commentary upon this phrase, of the same drift and tenor, in the works of Selden, a great authority.

This maxim is a brief, grave admonition against special statutes and enactments; it enjoins that the safety or good of the people, not private interests or personal gain, shall be the supreme rule of legislation. The venal judge or lawmaker is not an unknown character, and the maxim has been too often disregarded; but it has never been disapproved even by those guilty of its violation.

These primary axioms of the Roman code are not only maxims of law but of civilization, a part, so to speak, of the constitutional provisions made by conscience for the moral government of mankind. Twenty or thirty in number, they have been often edited and compiled with voluminous comments. They have been translated into all languages and have been made the basis of legislative and judicial action in all the countries of Christendom. Not that justice has been elsewhere unknown, but that thought concerning it, touching secular and civil affairs, has never been so tersely expressed in terms of such compactness and precision. For example: that no man shall be a judge in his own cause, forbids a judge or juror from passing upon a question involving his own interests or conduct. It is the basis of the practice in the whole system of change of venue and the still more extensive province

of new trial, review and appeal including as it does the corollary that the judge of a trial court shall not sit in final judgment upon his former decision, since this in legal effect is his own cause.

Each of these principal maxims has a like history and development. Courts and legislatures have for centuries followed and obeyed them, frequently without mention or citation, almost unconsciously, as a man may date his letter in July or August without thinking of Julius or Augustus, those world-rulers of two thousand years ago in whose honor the months were named. Yet of all monuments the month-name is most widely known, as it has been the most enduring. The whole world is still thus rendering unto Cæsar the things that are Cæsar's.

Latin is commonly said now to be a dead language, though if dead it is certainly not buried. English, French and German may be taken as fair representatives of the living languages now most generally spoken and written; but wherever these are known, and in many places where they are not in common use, Latin is known and understood. In the republic of letters, greater than any race, nation or government, it is yet taught, studied and interpreted. Among many classes of people it is in use colloquially, in conversation and correspondence; in one branch of the Christian Church pervading every part of the habitable globe, it is still heard in the daily service of prayer and worship. The most widely used of the modern European languages are thus, compared with Latin, local and pro-

vincial, as they are also recent and transient. No modern language of European origin has an age much beyond a thousand years; the mother tongue of Cicero has more than twice that period of duration, though it is not yet unknown, unused, or unspoken.

Although at present it may be hardly necessary often to cite these fundamental maxims of justice in their original tongue, it is exceedingly fitting and appropriate that they should be written, printed and thus recorded in a language whose words, form and structure are fixed and unchangeable, resembling their own character in its permanence and universality. A period may come of more perfect civilization and enlightenment when these elementary precepts of the old Latin law will be no longer needed, as being useless and inapplicable, when the language in which they were first written will be totally lost and forgotten; so we may dream of a time when the Roman alphabet and the Arabic numerals, both of which we have taken for our own, shall be supplanted by others and become obsolete.

But the possibility of these conditions is denied by the experience of many centuries, by the actual usage of the present age,—an age that has wrought, for the better, stupendous changes in the course and currents of human action. It has been an age of much invention, of less discovery. In many things its work is unfinished; in certain others it will, also for the better, reach a goal bearing the inscription, *Thus far*. Its forces, like the ocean tides, will be stayed but not motionless, still ebbing and flowing within bounds.

At the time of my settlement in White County, and for a long while afterward, its lands were owned in large quantities by non-residents. The transfer of title was frequent, and many of the most prominent and active business men of that period became owners of White County realty, so much as to make this kind of property a part of the general trading stock of the whole country. Some of the landowners were correspondents of mine and became personal acquaintances.

Among them was George W. Ewing, of Fort Wayne, one of the strongest and most unique characters in our early history. He was by birth a Pennsylvanian, but had come to our state when a young man; had engaged in the Indian trade, was one of the first and most successful of our Indian merchant traders, and thus laid the foundation of a large fortune. No other Indianian was so well known, either at home or abroad, for the magnitude and success of his business enterprises, save Mr. Albert G. Sloo, of Vincennes. The business of Mr. Sloo was, however, that of transportation. His lines of stage-coaches traversed the entire West, and had their terminals on the uttermost verge of civilization. He was at one time the largest contractor for carrying the mails in the United States.

It may be curious to note in this superlatively practical age that our home biography has been limited to the lives of statesmen. There might be found in the account of the lives of such men as Ewing and Sloo subjects as instructive and as worthy of attentive

study as those of any of their contemporaries, even the most renowned. Such men of action as these had in their day a larger and more attached following in their employment; a more intimate acquaintance with the people among whom they transacted business, and a personal repute far exceeding that of the more recent leaders in the business world. Corporation management affords but slight material for biography; it effaces and submerges personality, and commits to an invisible and not over-scrupulous agency the conduct of its enterprises.

George W. Ewing was a man of singular foresight and sagacity, a close student of men, of intense force of character, having large command of all those faculties used in controlling others, and withal a person of as courtly carriage and demeanor as might be met with in the most polished circles. In early life he took an active interest in political affairs and served a term in our legislature as senator from the county of Allen. He attended, as a delegate from his county, the Democratic state convention held on the eighth of January, 1840, at Indianapolis, and could have been nominated, as I have often heard, by acclamation, for governor, had he not declined the position. Neither nomination nor election to such place had for him any allurements. The profits he realized in the Indian trade were chiefly invested in real estate, in the primitive lots and outlots of Chicago, then a growing town, which enhanced afterward greatly in value. He had also at one time extensive holdings in St. Louis and its neighbor-

hood. In Fort Wayne and in other parts of Indiana he had many valuable possessions. In the course of some of his dealings he acquired title to large tracts of land in White County, and had a long and very tedious though successful litigation concerning these; he personally visited our county-seat a number of times upon business connected with this contest. He had early adopted the policy of following the Indian tribes, with his whole force and trading establishment, to their new homes in the far West, whither they were removed by the government.

The calendar of his year was divided into three parts; one of these he spent at Washington, giving personal attention to his claims and treaty interests, always somewhat involved in the negotiations between the government and the tribes. Another he spent in journeys of inspection among his trading posts in the far West. Here he met his Indian customers, lodged as their guest in the wigwam, often sat with them in council; had revealed to him the most recondite secrets of the medicine-man, and heard strange, wild legends of the forefathers of their race, told only at midnight to the chosen few sitting round the smoldering embers of the council fire. The third portion of the time was given to visiting his old friends at Fort Wayne and other places near his home in Indiana.

Mr. Ewing had established in the course of time many trading points upon the waters of the upper Mississippi, in the country extending toward the Red River of the North, then in the territory of Minnesota,

where almost the whole population was half-breed or Indian, and the white settlers were few. The delegate from Minnesota at Washington had rendered him some service and they were friends. The delegate, owing to some political storm or stress, was in much trouble concerning his reelection. The legislature of the territory had, a few years before, passed some sort of statute authorizing Indians residing there, who should adopt the customs, habits and dress of the whites, to vote at the elections. The law was yet in force but it had been little used or put into practice. Some months before the election for delegate was to take place, a very heavy order was received from the Ewing headquarters for hats, boots, and ready-made clothing. The order was a surprise; they had never before dealt in that class of goods; but the goods were forwarded and rapidly disposed of. Immediately all the Indians along the line of the Ewing posts discarded the blanket and the moccasin, and appeared in the garb of civilization. They had adopted the habits and the dress of the white man; they all voted, and the delegate was reelected. Ewing, often consulted by the officers of the government as well as by the Indian chiefs, was the master spirit of the frontier, and mainly for the reason that in his personal dealings with the Indians and their kinsmen he kept faith. Not always did he give his word or promise, but once given it was never broken. Thus he retained their confidence and respect, even their warm friendship and affection, during the whole course of his career.

A gentleman long in his employment told me that he was once present at an Indian payment where the disbursing officer, under instructions to that effect, tendered to a French half-breed, who was also the husband of an Indian woman, instead of money, a treasury warrant in satisfaction of his claim. The half-breed loudly protested against that sort of payment, but finally agreed that if his friend *Wash* Ewing would indorse the paper he would take it. Mr. Ewing was sent for, came to the pay-tent and wrote his name across the back of the paper; well content with the security, the claimant signed the voucher, took the warrant and went his way.

It is hardly possible to recall Ewing without the mention of his friend and fellow townsman, of whom he often spoke, and ever in the highest terms. This was Mr. James W. Worden, afterward for many years an honored member of the supreme court of our state. Ewing had been the friend of Worden in his youthful beginnings, in his early professional life and in his efforts for political advancement. At all times, under all circumstances, he was ready to promote the interests of one whom he so highly esteemed. It was the sort of attachment, voluntary and disinterested, which one true man has for another.

The members of the bar then in the practice of the law learned in due season to entertain for Mr. Worden sentiments of the highest admiration and regard. His reputation as a judge was not of sudden growth, rather of gradual but lasting development. He had,

indeed, for the performance of his duties one special qualification. His acquaintance with the line of Indiana precedents and decisions from the first organization of the court to the period of his own service, was more complete and accurate than that of any other member of the profession. He was, moreover, possessed of the intuitive wisdom to discern, and, in consultation with his colleagues on the bench, to determine, when a precedent ought to be modified or abandoned and when it should be rigidly observed. But these qualities, even of surpassing excellence, bore little part in Mr. Ewing's estimation of his friend. He loved the man, as others loved him, because of his devotion to truth, right and justice; for his indifference to praise or censure in the discharge of duty; for his utter disregard of mere popular clamor or the transitory plaudits of the hour. Conscience was in his life supreme.

CHAPTER TEN

POLITICAL CAMPAIGN OF 1854—CAMPAIGN OF 1856—
ASHBEL P. WILLARD—DEMOCRATIC MASS-MEETING
AT THE TIPPECANOE BATTLE-GROUND—GENERAL
LEWIS CASS OF MICHIGAN—THE PROPHET'S TOWN—
ELECTION TO THE LEGISLATURE IN 1858—A CON-
TESTED SENATORIAL ELECTION—DOCTOR GRAHAM N.
FITCH—DOCTOR JOHN W. DAVIS

Although not a candidate in 1854, yet I was an active participant in the canvass then made, as in all the campaigns from 1848 onward. The opposition was at this time called the People's party, but the nominations, the active organization and movements of the party, were all controlled by clandestine association within its lines known as the Order of Native Americans, commonly called Know-Nothings. Our canvass was made upon the principles of the Democratic platform as then announced. Our majorities in 1852 had been large and general; there was apparently no violent opposition to the course of our administration at Washington, and on the face of things success seemed probable. The public campaign of our opponents was a mere pretense; it dealt to some extent with current issues, but disclosed nothing of their real designs and policy. We felt, as the

canvass proceeded, that there was something ajar in popular opinion, a subdued, though quite an active commotion; but we were unable to divine its causes or to locate its effects. It became known from various sources that there were numerous defections from our ranks, and it was surmised that these made additions to the lodges of Native Americans, which sprang into existence on every side; yet the personnel of these converts was known only to the brotherhood of the order, which in its first obligation bound the new member to conceal and deny his membership. It was not until after the election that we learned with certainty the aims and objects of this wide-spread combination.

The result of the election in October, 1854, afforded us a good deal of information, and much more chagrin. A tidal wave of great force and rapidity had swept over our former constituencies. It had submerged the highest and driest places in the political reserves; it had scorned calculation, laughed at prediction and tossed aside apportionments like chaff before the whirlwind. We were beaten on the state ticket, in the legislature, in almost two-thirds of the counties, and if there had been anything else to lose we should have lost it.

When, however, the legislature met, which had been elected by these methods, when it had enacted the Maine law and other statutes quite as obnoxious to the people of the state, a reaction set in and the ebb became as swift and strong as the flood had been in their favor. Both Whigs and Democrats abandoned their connection with the order, revealed and denounced its hidden

dogmas and designs, which now were made public and notorious.

This movement had commenced in hostility to the Roman Catholic Church, but soon comprised all foreign-born and naturalized citizens in its proscription. Catholics were to be subject to a special test oath of allegiance, and foreign-born citizens must reside twenty-one years in the United States before their admittance to the franchise; offices of trust and profit were to be held only by native-born Americans; all other citizens were to be excluded by law as ineligible. Americans must rule America. The passions and prejudices of mankind were inflamed to the highest degree by the most incredible rumors, circulated in the occult councils of the lodges. This led to many acts of brutal violence, and the scenes of *bloody Monday*, a frightful day of massacre and burnings, were heralded as a victory at the polls of true-born Americans against the rule of foreigners and aliens.

The Democratic party immediately assailed and denounced this policy of exclusion, appealing to that liberal and generous spirit of the people which from the beginning had been so often shown in the legislation of our state. This appeal was not made in vain. Our success in Indiana in 1856 was even more complete than it had been in 1852; it resulted in the final overthrow of those influences of bigotry and persecution which had, by their stealthy approach, acquired for a brief period an apparent ascendancy.

The prominent figure in the great campaign of 1856

was Ashbel P. Willard; he was the Democratic candidate for governor, and well deserved that high position. Success crowned his efforts, but even defeat could have detracted nothing from his genius, his eloquence, and his unselfish and patriotic devotion to the highest interests of the state and the country. Nominated on the eighth of January, according to the ancient usage of the party, he delivered his opening address in the canvass at Rensselaer to an audience, most of whom had come in sleighs across the prairie, yet covered with snow, to attend the meeting. Such was the daily labor of the canvass, month after month, until October. His physical powers of endurance were remarkable. He not only spoke every day but worked or traveled all night; literally wore out his associates and companions with incessant activity. To friends who asked him where and when he slept, his answer was: "There will be time enough to sleep after we have carried the election."

His talent for detail was as efficient as that for larger action. In visiting the counties of the state he did not neglect the townships or the precincts, but made personal inspection of poll lists, persisted in seeing the persons in charge, and carefully looked into every nook and corner of the political field. It was a favorite saying of his that in politics nothing must be taken for granted. His conduct conformed to the rule. He predicted with confidence his own election, and showed to his friends, toward the close of the canvass, his estimate of the vote of the state by counties. The result

verified his calculations, at a time when staid and experienced politicians of both parties declined to make estimates, saying that the state was too close and doubtful even for conjecture.

One very peculiar trait marked his private intercourse as it did his public career. This was his absolute control of temper. Under no circumstances could he be provoked into showing any sign of irritation; anger seemed wholly unknown to him except as he might have noticed its effects on others. Before a popular audience his good humor was invariable. Neither question, interruption, nor contradiction, caused him the least annoyance; calmly he awaited the proper moment, swiftly delivered his answer or retort,—the assailant vanished. With this constancy of self-control he was not otherwise lacking in emotion or sensibility; indeed, to use the phrase of the good people of that day, he was known to be uncommonly tender-hearted. The opposition made the objection to his selection as governor that he would empty every cell in the penitentiary; that he could not resist importunity nor repel the prayer of sympathy. Sometimes he noticed this objection in telling his hearers that although he might not be so strict in the exercise of the pardoning power as some of his predecessors, yet he would take good care during his administration to see that no Know-Nothing received the benefit of the executive clemency. The crowd laughed and cheered, and the objection was forgotten.

In his actual administration of the government

the pardoning prerogative was exercised with due precaution and with the practical wisdom pervading every part of his official conduct. Willard's external appearance was such as to exhibit to the fullest advantage his rare intellectual endowments. It may be said, from the unbribed and common estimate of men, that his presence was commanding, that his manner, full of mingled ease and dignity, attracted the attention and regard of all those that saw or heard him. To these natural gifts were added acquirements of no ordinary character. He was graduated with the first honors of his class from Hamilton College, New York, of which state he was a native. He came west to Kentucky, and, yet in early manhood, removed to Indiana, settling at New Albany, where, still a young man, he had given up a lucrative practice at the bar and, upon the earnest solicitation of political friends, entered the arena of public life.

His favorite auditorium was the open air, a tract of woodland just cleared of the undergrowth; here his audience sat or reclined at will in the shade, and he took the liberties implied by this free environment. In hot weather I have seen him, at such a place, release the necktie from his collar, divest himself of his outer garment with the remark that his father always told him he disliked to see a hand in the harvest field with his coat on; all this was said and done with such a facile grace and such a courteous deference to the audience that the dishabille attracted little notice and was soon forgotten in the glow of his delivery. His voice was a full tenor,

strong, clear, resonant, likened often to the sound of the trumpet or clarion. From long practice he had acquired the habit of uttering syllables as other men speak words. He could be heard distinctly at a very great distance, with the curious effect that all his words seemed to be emphasized, though there was no monotony; the rich and varied modulations of the voice, suited to the theme, prevented this.

In addressing a miscellaneous audience he seldom indulged in humor, and for the most part discarded anecdote. In preparation he studied his subject rather than his speech. His propositions in argument were announced in a tone grave and serious; they were outlined with a bold, even daring, hand; he wore no veiled personality, although he was not wanting in caution, and his defense was as skilful as his attack was direct and incisive. His highest thoughts were clothed in language easy of apprehension by his auditors, but there was no descent into the region of commonplace; there was special avoidance of coarse or colloquial truism.

In dealing with the dogmas of the so-called Native American Order he sketched briefly at the close the lives and characters of Carroll and of Arnold, ending with a single sentence of contrast: Benedict Arnold was a Protestant, a native-born American and a traitor. Charles Carroll, of Carrollton, was an Irishman, a Catholic and a patriot. This passage, much noted at the time; may be even now not unworthy of remembrance. He had one accomplishment useful in

any vocation, but especially advantageous in public life,—the recollection of names and faces. He never forgot the face of one whom he had met, and his remembrance of names was almost as perfect. Being asked once in my presence how he had acquired this, he answered that it was partly natural, partly the result of long and careful practice. He had in his youth, from his eighteenth year, formed the habit of recalling, when he retired for the night, the features and names of any strangers he had met during the day. At first these groups were small in number; as his life and career broadened they grew larger; but he found that his faculty of remembrance grew and kept pace with them, and this habit, thus continued, became so fixed and regular that he was hardly conscious of its exercise.

Whenever he met persons during the day whom he had not known before, their features, distinctly outlined and ticketed mentally with their names, recurred to his memory at night, and could afterward be re-summoned at pleasure. Sometimes faces appeared which he had seen, but with whom he had not become acquainted, and whom he had no particular wish or reason to remember; yet they would return again and again, until he would describe these features to some one who knew the persons, and so learn their names; the names and faces, being thus according to his general custom connected, seemed then quietly to rest in the memory. The impressions induced by this practice were so clear and strong that after a lapse of many

years he would recall the name and face of one whom he had met, even in a casual manner, and would frequently remind him of the circumstances of their former meeting, which the man himself had forgotten.

As a public speaker he had a multitude of admirers, even outside of his political household, and a number of professed imitators, though none of the latter attained any particular eminence. Penelope had many suitors for her hand, who strove mightily, but none of them could bend the bow of Ulysses. Willard himself constantly disparaged imitation; he thought and said that an honest, homely original was better than the best copy. His intercourse with the younger members of the party was free and inspiring. He had the faculty of calling forth the best efforts of the friends who gathered round him; had a just appreciation of their assistance, made no claim to any monopoly of patriotic work or purpose, and generously shared with all who participated in it the honors of the campaign. He was a very genial companion, his familiar conversations touching a wide range of topics and abounding in reminiscences of professional and political life.

To recall something of his table talk would not be difficult, but he was too great a man to be taken in miniature. He was a born prince of the hustings, the ablest and most accomplished stump speaker that ever lived in Indiana. Not many of his speeches have come down to us, as few were reported. After all, the reporter can give only the text; the tone, the look,

the gesture and action elude his art. Many things which Willard said and did are well remembered, though he himself is not. The great popular orator, like the actor in the drama, or the singer in opera, makes no real appearance on the page. His posthumous fame rests only in tradition, yet his power and prestige among the people of his age were vivid realities.

The leading event of the campaign in 1856 was a mass-meeting at Tippecanoe battle-ground, to which I went, as I had gone to the Whig meeting held at the same place sixteen years before. The attendance was as numerous as it had been on the former occasion, but it was intermittent; at noon, and for three or four hours afterward, there was a large crowd, but it dwindled away in the evening; few people camped on the ground. The battle-ground had now become a station on the railway; trains were running in excursion every hour; the audience and even the speakers were suddenly changed by these interruptions. I at this time first noticed the effect of railroad transportation upon a public assembly. The wagon and the saddle-horse were slower methods of conveyance, but they left the visitor much more at ease as to the time of his sojourn and departure.

Many Democratic leaders from all parts of the country attended this meeting, but our most distinguished guest was Lewis Cass, of Michigan, for whom, as a candidate for the presidency, I had, in 1848, made my first canvass and cast my first vote. I had called on

him at his home in Detroit some years before, in company with Doctor Graham N. Fitch, then a member of Congress. Doctor Fitch was now a candidate for elector at large on our ticket, and I had accompanied him in this trip to the battle-ground. We met Mr. Cass upon the ground one morning, as he was strolling in the woods along Burnett's Creek; the time for the assembly had not yet come; he was accompanied by a young friend who had attended him in his journey from Detroit. We were pleased to meet this veteran pioneer, and he gave us a very cordial greeting. Doctor Fitch was an old and intimate friend of Mr. Cass', and they immediately fell into familiar conversation. Mr. Cass reminded us that this was not his first visit to the neighborhood of the battle-ground, or the Prophet's town, though, he said, with rather an arch expression, that it was his first trip down the Wabash by land. He had formerly traversed the course of that stream up and down in the canoe, and in the canal packet, but this time he had made the trip by rail. He thought that the canal and the railway were only partial substitutes for the canoe, which threaded its way, by creeks and smaller streams, into the heart of a country, reaching a much larger area than the other methods of conveyance.

The battle-ground, he said, used to be off the line of travel; it had now become easily accessible; formerly the Prophet's town, instead of being out of the way, was a regular stopping place of the voyagers in the pirogue or canoe.

He had been, prior to 1830, for many years general superintendent of Indian affairs for the northwest, and had traveled many thousands of miles, mostly by canoe, in visiting the treaty-points and Indian reservations in that extensive territory; he was widely known among our early settlers of the upper Wabash, who had named in his honor one of the counties of our state. Knowing that I lived on the Tippecanoe, he inquired about the improvement and progress of the tract of country lying between the two rivers, which he called the Mesopotamia of Indiana, saying that there were other parts of the state which were situated in the same manner, but this was the only one among them that was bounded on one side by the Grand Prairie. He observed that in primeval times there had been, across the edge of this tract, twice a year, an immense and regular movement of large game, buffalo and deer, from the prairie extending west to the Mississippi River, into the woodlands of Indiana. This movement of game in the fall toward the timber for winter shelter, and in the spring toward the prairie for the summer pasturage, had been from time immemorial closely watched and followed by the Indians. These herds, notwithstanding their losses in transit by the weapons of these hunters, who lay in wait for them, continued always to travel by the same route and to cross the rivers at the same fords year after year.

He contrasted the forests of Indiana with those of the lake region. The more northern forest abounded

in birch, spruce, cedar and pine, timber of great commercial value, but affording little means of subsistence; whereas, an Indian hunter, unsuccessful in the chase, could hardly go a mile in the region of the Wabash without finding wild nuts or fruits, the means of an abundant repast. Such were some of the reasons he gave for entertaining the opinion that Indiana had originally within its borders a larger Indian population and a greater number of different tribes than any other portion of the northwest.

Mr. Cass had, since the pioneer days he spoke of, made other voyages besides those in the birch-bark canoe. He had been for six years our minister at the court of France; from Marseilles, had made the tour of the Mediterranean, visited Egypt, Syria, and Palestine, Jerusalem and the banks of the Jordan; but of all this he spoke not a word. An old man now, somewhat broken by the storms of state, he delighted to recur to the labor and service of his youth. We were glad that he chose to do so; pleased also to know that he yet lived in the West, dwelling among his own people. In an hour after this I heard him address the people from the platform of the main stand. He did not speak very long, owing perhaps to the fatigue of travel; his voice, however, was full and sonorous, his action and utterance were deliberate, well suited to the gravity of his theme. The duty and obligation of the citizen to support the constitution in all its parts and to maintain the union in accordance with the compact made at the time of its original formation were

set forth in lucid and massive terms; argument was illustrated by historic allusions betokening the finest attainments of the statesman and the scholar. He had a larger and more attentive audience than any other speaker of the occasion. This was due to his prolonged and varied official career, both at home and abroad; to his residence and military service in the West and to the unsullied integrity of his public and private life. The speech was a very fine one. But the man in that place and among that people was greater than the speech, greater than anything that could have been spoken.

Doctor Fitch and myself called, by invitation, on Mr. Cass at his rooms in the evening. He was in excellent spirits, well pleased with the meeting and with the reception given him. He told us he might almost claim to be a Hoosier. He had spent formerly much of his time in our state, had been concerned with the cession of its public lands and with the affairs of the tribes residing within its boundaries. He believed that at one time he had a larger acquaintance than any white man living with the old-time Indianians, meaning, as he said, those who wore the moccasin and smoked the calumet. He expressed great regret concerning our policy, then adopted, of abandoning the Wabash and Erie Canal. From its inception he had been an earnest advocate of that enterprise and had delivered at Fort Wayne on the Fourth of July, 1843, an address in commemoration of its final completion and its opening to navigation; he was grieved and surprised at its premature decline. It had been ten years in the course of

construction, and not much longer in use and operation.

He referred also to what he designated as the independent Indiana route for a waterway between the lakes and the river, from Lake Michigan, by way of the Wabash, to the waters of the Ohio; spoke of the survey of this route made while he was secretary of war in 1833. He commended its practicability and its usefulness as affording a connection, by means of the Ohio River, with a circuit of inland navigation almost as extensive as that of the lakes, wholly within our own territory, and not subject to injury or interruption by a public enemy in case of war.

In discoursing with him on these and other subjects we spent an hour and then took our leave, not without the wish, expressed most heartily, that we might meet again. This was the last time I saw Mr. Cass, as it was the last time he visited Indiana.

During my subsequent service in the Senate of the United States I looked up and had reprinted the canal survey made in 1833 by Colonel Stansbury, the same officer who made the survey of the valley of the Salt Lake in Utah, afterward so famous. A bill was introduced by me, and twice passed the Senate, appropriating twenty-five thousand dollars for the survey of the route of a ship canal from Lake Michigan to the Ohio River by way of the Wabash valley. For some reason unknown the measure failed to pass the House. The vast importance and inexpensive execution of this great thoroughfare will some day demand its con-

struction. Among other things it would solve the now long-standing problem of the *marsh*—a debatable land between earth and water, lying along the line of the Kankakee, comprising thousands of acres of the finest alluvial soil, awaiting only reclamation by means of drainage, which such a canal would afford.

The valley of the Wabash and its tributaries, in which are situated the capital of our state, many of our largest towns and most populous counties, is one of the regions in the West which was improved by the earliest European cultivation, and it is not unworthy of that preference. Its resources have even yet been but scantily exploited. The possibilities of its geographical position, indicated by the dense network of railways by which it is already traversed, have not yet been realized. A navigable waterway connecting the lake with the river would enhance and develop this commanding position. These are projects for the future, yet the most successful of such enterprises were at one time only projects. It is easy to say with those brethren of Joseph in the far away field of Dothan: "Behold this dreamer cometh!" Many years ago I met one of these dreamers. His illusion had been that of contriving some device by which he might send a message without a messenger. In the beginning he had little money, less credit. Once, in some way, he had got permission to enlarge and widen an old dry well in a parcel of ground near the Capitol at Washington; around the sides of this he stretched his wires, coil upon coil, in order to make distance for the trial

of sundry experiments. The world about him seemed to be engaged in the busiest whirl of activity and movement; they were really walking and talking in their sleep; the dreamer was the only one awake.

Mr. Cass had expressed the wish to revisit the site of the Prophet's town. He did not do so; there was neither a convenient road nor conveyance for such a trip. Even to-day it is not easily approached. The capture and destruction of this place had been one of the chief objects of the military campaign of 1811, as it had been of an earlier expedition under General Wilkinson in 1791. It had been probably the site of an Indian village for some period during the eighteenth century.

Early in the fifties I made a Fourth of July address in a grove not far from this historic town. In the afternoon, when the exercises of the day had been concluded, accompanied by an old resident of the neighborhood, a very intelligent and obliging guide, we visited the place. There was no traveled road; we walked on the edge of Pretty Prairie along the banks of the Tippecanoe until we reached the Wabash. Here we stood in the southwest angle made by the junction of the two streams, upon a high elevation of tableland overlooking the valleys of both. My guide pointed out a considerable space occupied by second-growth timber, plainly discernible on the sides of the declivity, as the ground formerly occupied by the Indian town, which had extended from the high-water mark, perhaps upon both streams to the hill, into the

open prairie beyond. The old forest had been cut away during the Indian occupancy so as not to obstruct the view and thus conceal the approach of enemies. Here and there an old tree had been left standing, but these stood down in the valley, their tops below the level of the plateau.

This location, well known before, acquired yet more importance after it had been chosen by Tecumseh and his brother, the Prophet, as the headquarters and seat of government of an extensive Indian confederacy, which they designed to form against the further progress of white settlement and civilization. The place was not without advantages that justified its selection. Seated at the confluence of two rivers, it commanded the navigation of both, and was itself somewhat inaccessible except from the west and south. In its immediate vicinity the means of subsistence were plentiful. Just across the Tippecanoe northward lay a large area of heavily timbered land between the two rivers, a kind of natural park or preserve, in which game of all sorts abounded as did the streams in fish. The town adjoined an arm of the Grand, called Pretty Prairie, wherein the fertility of the soil was such that even the careless cultivation of the women and children of the tribe yielded an abundant crop of corn, the staple product of Indian husbandry.

The Prophet's town did not lack means of communication with the outside world. During the season of canoe travel the Wabash and its tributaries connected it with a wide extent of outlying territory; in the

winter the principal thoroughfares were two trails: one running along the course of the Wabash, long known and yet called Tecumseh's trail, the Appian Way of this ancient western capital; the other running up the western bank of the Tippecanoe River to the mouth of the Monon. This last trail I have frequently passed over for short distances where it had not been touched by the plow. The trail was easily traced and disclosed at a glance the mode of Indian travel, in single file whether on foot or horseback. It was hardly three feet wide, and the track was depressed a few inches below the surface; it was hard, densely packed, no vegetation in it, and, as it always followed the highest ground, it was little affected by rain or snow, although it had been for years abandoned before I saw it.

The guide that accompanied me upon the occasion referred to said that he had in his youth been informed by an old Indian trader, a French half-breed, who had visited the Prophet's town during the time of peace, shortly before the outbreak of hostilities in 1811, that the place was laid out with considerable regularity. The dwellings were built in rows, with lanes or streets between them; there were some horses and a large number of Indian ponies kept by the inhabitants. The dwellings were wigwams built of poles and bark, furnished inside with robes and skins, the spoil of the chase. There was a larger wigwam called the House of the Stranger, where a traveler might find meals and lodging after the Indian fashion. This Hotel Grand of the city stood at the foot of the hill near the river, and

was guarded by sentinels at night, for the safety, as the Indians said, of the guest, but perhaps also as a wary precaution of the host. Part of the town stood in the prairie above the valley, and in this quarter, not far from each other, were the two public buildings—the Council House and the Medicine Lodge—long, low structures of some size, somewhat like a log cabin, but of slighter materials.

This was not only a political capital, but also a religious or ecclesiastical center. The rule of the Prophet from the Medicine Lodge in the mystic superstitions of their race, among the distant and scattered tribes of the northwest, was as widely spread as that of his more famous brother Tecumseh in the affairs of war and council. Indeed, the influence of the Prophet, in the absence of his brother, had overruled the advice and orders of the warrior. Nine hundred braves, fully armed and equipped, inflamed by predictions of assured success, followed the Prophet from their rendezvous in his capital to assail the camp of Harrison at the battle-ground. Their defeat was fatal to the prestige of the seer, and to the far-reaching designs of the greater chieftain, his brother. There was a tradition that Tecumseh revisited the Prophet's town after it had been burned by our forces; he may have seen its ruins, but the destruction by fire, even of a larger city, whose architecture was composed of such slight materials, left few remains to be viewed by those of a later generation. A heap of ashes, charred remnants of a post or pole, turned up by the plow of the

early settlers, were the only indications of its former existence and locality.

It has sometimes occurred to me that we have done a sort of injustice to Tecumseh as an Indianian. Like many other inhabitants of our state he came hither in early childhood with his father's family from Ohio, and thenceforth spent almost his whole life within our borders; a life singularly marked, in one of his birth and lineage, by fair repute and noble excellence. He was the best and last survivor of those greatest chiefs of the warrior bands who contended with our forefathers for the possession and dominion of the land we live in. Tecumseh was a warrior, an orator of surpassing natural eloquence, and a ruler of consummate tact and wisdom. He possessed more of the faculties and qualities of the statesman than any other leader of his race. When engaged in actual hostilities he allowed no murder of prisoners, no violence against women or children, and conducted the campaign in strict accordance with the rules of civilized warfare.

After the disastrous overthrow of the Prophet at Tippecanoe, Tecumseh, with his followers, joined the British army, and was given a commission of high rank in their service. This must have been, like that visit of Themistocles to the court of the great king, a last resort. He lost his life while fighting bravely at the front the battle of his English allies. Death for himself was not infelicitous. Even a British victory at the Thames in Canada would have availed him very little; his grand design of the union and su-

premacry of the Indian tribes would have been as impossible of accomplishment under the government of Great Britain as under ours.

The state of Michigan has perpetuated the memory of both Pontiac and Tecumseh in two of her cities; we have in like manner given such names to Kokomo and Winamac. These were leaders of bands of some local celebrity, but they bore no comparison to the Shooting Star of the Shawnees.

In the summer of 1899, nearly fifty years after my first visit, I made a second tour to the Prophet's town. There was even yet no thoroughfare. I chose a new way of approach. With some friends who accompanied me we drove down the east bank of the Wabash to a point opposite the mouth of the Tippecanoe. There lived a farmer who kept a boat for use upon the river. We were rowed across the Wabash into the mouth of the Tippecanoe, and, taking a path which led through the woods from the point of junction to the plateau above, we soon stood in the place which I had before visited. The landscape showed very little change; a few farm-houses were visible on the east side of the Wabash formerly not seen there; the trunks of the trees of second growth and their tops had grown larger and somewhat interfered with the view. Corn was growing on the adjacent prairie and in the low alluvial bottom across the river; but this was a part of the old scene; the place, though not far from either the railway or the telegraph, has a wild sequestered

look; the hand of improvement has hardly touched it, and it still remains in some degree inaccessible, like the ancient metropolis of Tecumseh.

In June, 1858, the Democratic convention at Oxford nominated me for the second time as a candidate for the legislature. The active canvass, with its discussion and personal visitations, lasted about eight weeks. This was not a presidential year, and my hearing and reception were, by the people, somewhat easier than in 1852, six years before. The cattle herders upon the range voted for me in larger numbers and I was returned by an increased majority.

My second election to the legislature as a Democrat from a Whig district, with services in previous campaigns, had given me a considerable acquaintance in the state. When the legislature met I was nominated by unanimous consent as the Democratic candidate for the speakership. The house was nominally Democratic by a small majority, but it contained three or four members, who had been elected as independents and styled themselves anti-administration Democrats. These gentlemen declined to attend our caucus, made a complete combination with the opposition and defeated our whole ticket for the organization of the house. My successful competitor for the speakership was Mr. Jonathan W. Gordon, then, and for many years afterward, a distinguished member of the Indianapolis bar. Our defeat was regretted, but much more the division in our own ranks; it was the first

appearance of that acute schism in the Democratic household so fatally developed in 1860, two years afterward.

As upon my former service in the general assembly, so now, came again the question of the senatorial election, as the first business of the session of 1858, which arose in the following manner: the legislature of 1855, chosen in 1854, had the duty imposed upon it of choosing a United States senator. But the two houses of that body being of different political faith, declined to go into joint convention for that purpose. The vacancy caused by the expiration of Mr. Pettit's term was not filled, and for two years Indiana had only one member in the Senate, Mr. Jesse D. Bright. The legislature of 1857, chosen in 1856, was Democratic on joint ballot; of its two branches the house was Democratic, the senate was controlled by the opposition.

Under these circumstances the house appointed a day for the election of two senators, one to fill the vacancy existing since 1855, the other to fill the vacancy about to occur by the expiry of Mr. Bright's term. The senate, as such, ignored this action of the house, but the Democratic members of that body left their seats in the senate chamber, came over to the house on the day appointed, organized a joint convention and elected Doctor Graham N. Fitch to fill the existing vacancy, and Mr. Jesse D. Bright as his own successor for a third term, each of them receiving a majority of all the votes of all the members

elected to the general assembly. The opposition in our state, and especially that of the legislature of 1858, including the anti-administration Democrats, held that the election of Bright and Fitch so conducted was unconstitutional and invalid, that both vacancies were yet unfilled and that it was their duty to elect two senators. They took the ground that the word *legislature*, in the clause of the federal constitution relating to the election of senators, necessarily implied the concurrent action of both houses as such to form a lawful joint convention. We contended, on the contrary, that the word *legislature* was not used in any technical sense in the clause referred to, and that the majority of the whole number of members might legally form a joint convention and elect senators without such concurrent action. In support of this construction we referred to the fact that, at the time of making the federal constitution, several of the states, notably Pennsylvania, had a legislature composed of only one chamber, and that the framers of that instrument, sitting in Philadelphia, could not possibly have contemplated the two houses as such in the use of the term legislature, but had used it as we still use the word *magistracy*, to designate the collective body of all the persons in the county or state who are employed in the duty of administering justice.

The debate lasted many days; in the house it became quite warm and exciting; the speaker, Mr. Gordon, left the chair to take part in it; at last a vote was taken and we were beaten. No further resistance was offered.

We kept our seats, took no part in the proceedings, and our colleagues of the opposition held a joint convention in which they chose Mr. Henry S. Lane and Mr. William M. McCarty as senators from Indiana to fill the supposed vacancies. I wrote a full argument upon the law and facts of the case, closing with an earnest request for federal legislation on this question, which was seconded by several of my colleagues. It seemed to be a careless and somewhat dangerous predicament that the legislatures of the states should continue in many different ways to elect senators, when Congress had the undoubted right to prescribe by law a uniform method of procedure. Copies of these papers were sent to senators of both parties at Washington. Many letters were received in answer. Some of them approved, others disapproved the grounds taken in argument in the particular case, but all concurred in the necessity of congressional action. Yet such was the political stress of that troubled period, now approaching in the history of our country, that it was not until after the conclusion of the war that Congress enacted this much needed legislation. On the twenty-sixth of July, 1866, an act was passed regulating the mode of choosing senators by the legislature. Since that time our senators in Indiana and elsewhere have been elected according to its provisions.

Mr. W. H. Seward and Mr. William G. Bayard, who were senators in 1858, Mr. Hendricks and Mr. Lane, who were senators in 1866, have more than once stated in my presence, that it was the Indiana case with its

non-election in 1855, and its contested election of 1858, that chiefly impelled Congress to take its subsequent action in the premises. The United States Senate held that the election of Bright and Fitch was valid. Mr. Lane and Mr. McCarty returned from Washington as private citizens, but they lost nothing in public estimation by their journey, nor was the action of our legislature useless or unprofitable. It led to the passage of a general law on this subject, one of the most important of our Statutes at large.

Although very firmly convinced of the correctness of our opinion upon the question of the senatorial election, what gave additional zeal to my action was the circumstance that Graham N. Fitch, the friend of my youth, was deeply interested in the result. He served in the United States Senate until March fourth, 1861, taking first rank in that body. He was afterward a colonel in the army; he had the choice of many titles, but he preferred to be called Doctor. That designated his favorite pursuit. He was often and long engaged in public employments of the highest character. He entered, indeed he was, so to speak, drafted into the work of the lecture-room, taught as a professor in the medical schools of Indianapolis, Cincinnati and Chicago, but always returned to his home—to his office in Logansport. To the profession he had given his first love, and it never grew old or cold; he continued in it almost to the day of his death, not from necessity, but from the love he bore it. His early labors in the active practice were constant and toilsome. He

always drove with two horses. I have met him more than once, returning from some distant night-call in the country, seated in his buggy fast asleep, while his faithful team noiselessly picked their way along the corduroy road, seeming loath to disturb the slumbers of their master.

As a public speaker Doctor Fitch was versatile and attractive. When he took the stump he bade good-by to the physician. There was not the least trace of the *materia medica*, either in his manner or utterances, nothing of either shop or sham. He had read and thought much upon the constitutional principles of our government, and had formed his opinions of the proper mode of their development by legislation. He cited with effect and with precision the writings of Jefferson, Jackson, and other worthies of the Democratic school, but an authority to be cited by him must always be brief and pointed. A skilful disputant, he had great powers of apprehension and penetration; he detected in the twinkling of an eye any infirmity or inconsistency in the position of an opponent, and as quickly exposed it.

In a prolonged series of joint discussions with Mr. Schuyler Colfax he defeated that gentleman for Congress, the only defeat suffered by him in a long political career. During the Civil War Fitch was authorized to raise a regiment, the forty-sixth regiment of Indiana Volunteers, which he subsequently commanded in the field. His recruits were gathered by a public canvass made by him in his own and adjoining counties. Several times I accompanied him

in this canvass and spoke from the same stand. His account of the beginning, course and termination of the movement of secession was the most highly finished and thoroughly wrought-out discussion of that topic I have ever heard. His exhortation to the sons of Indiana in behalf of the Union and the constitution was irresistible. His regiment was rapidly filled by volunteer enlistments to its full complement. Our young men were anxious to go with him.

There is this distinction to be noticed between volunteers and regulars: the regular is somewhat indifferent under whom he serves; the volunteer always wishes to know with whom he is going, and is personally interested in his commander. Somewhat advanced in age when he led his comrades to the field, Fitch remained a year in active service. His military campaign was efficient and successful, closing with the capture of the enemy's works and post at St. Charles. He then resigned and returned to the practice of his profession in the county of his residence. The regiment served until the close of the war and was among the best of the many furnished by our state to the armies of the Union.

Fitch was the only physician who ever served from Indiana in the United States Senate. I have latterly reflected somewhat upon this solitary instance. Years ago we used to send a good many of our physicians to Congress. He, himself, was one of these, and there were several others, among whom I recall Doctor John W. Davis, of Carlisle, in the county of Sullivan, whom I knew quite well. He was the first Indianian chosen

to the position of speaker of the House at Washington, and was accounted the best parliamentary jurist in this country, perhaps in the world. His rulings were quoted as authority in the English House of Commons, and more than once in the legislative chambers of France. Upon his voluntary retirement from Congress he was appointed minister of the United States to China; served with distinction among the polished diplomats of the Orient, and returned to accept the appointment of governor of Oregon. He was the first American civilian of official note and station to make the trip homeward from the East by way of the Pacific. His voyage across the ocean lasted several weeks. I have heard that the account of it, then no twice-told tale, was a story of thrilling, almost tragic interest.

In these later times our practitioners of the healing art seem studiously to avoid the cares and labors of political life. Occasionally you may meet a physician in the legislature—even this, as some of their caste say, is unprofessional—but as a body they appear to prefer the position of out-fielders in this arena. There are two notable characteristics of the active and skilled physician—a close observation of detail and a deft attention to the matter in hand—the duty of the hour, of the moment. These qualifications are admirably suited to the requirements of public life. No more favorable hope can be expressed for the future than that the members of this great profession will again resume an active interest and prominent position in the political affairs of the state and of the nation.

CHAPTER ELEVEN

THE DEMOCRATIC STATE CONVENTION OF 1860—CANVASS FOR LIEUTENANT-GOVERNOR WITH OLIVER P. MORTON—THE WAR OF THE REBELLION IN 1861—WAR MEETINGS AND MEASURES—CANVASS FOR CONGRESS IN 1862 AGAINST SCHUYLER COLFAX

The Democratic state convention of 1860 met under circumstances of much excitement and confused activity. It was attended by full delegations from all the counties and by double or contested delegations from not a few. Many persons from the counties and from adjoining states were present as visitors, not all of a friendly character. It was hoped by one class of men, and it was feared by another, that the convention would be severed in twain and that our campaign would begin with an open rift of discord between the opponents and the supporters of the administration of Mr. Buchanan.

But the convention adjusted its differences, deliberated and acted in unity. Thomas A. Hendricks was nominated as the candidate for governor, David Turpie for lieutenant-governor. The Republican party placed in nomination Mr. Henry S. Lane for the first position, Mr. Oliver P. Morton for the second. These four per-

sons, in the campaign that followed, in respect to the offices for which they were named, made only a tentative canvass,—such was the understanding in both parties. If the Republicans carried the state Mr. Lane was to be elected to the Senate, Mr. Morton succeeding to the governorship; if our party prevailed similar changes were to be the result. The election in the following October carried out in part this arrangement. Mr. Lane was elected United States senator. The future in some degree carried it still further. All four of these candidates upon the state tickets of 1860 became senators in this order of service: Lane, Turpie, Hendricks, Morton. On this same ticket were the names of two other persons, opposing candidates for reporter of the supreme court—Mr. Michael C. Kerr and Mr. Benjamin Harrison. The first named was afterward chosen speaker of the House at Washington, and died while holding that great position. Mr. Benjamin Harrison, twenty-eight years afterward, was elected to the presidency. It would thus seem that these candidates of both parties upon the state ticket in 1860 were composed of a material somewhat durable; the loom of time wove for them garments of diverse figures, but of a lasting texture.

The joint discussion between Mr. Morton and myself—for in those days without joint discussion there was no canvass—commenced rather early. Our first meeting was at Martinsville. Thence we journeyed on, usually going from town to town in the same conveyance, sometimes stopping at the same tavern; once,

such was the pressure upon the scant accommodations of our host that we slept in the same room. Thus we made our way until we reached one point, I think it was Dover, the capital of the county of Martin, where the circumstances attending our arrival were such that I now recall them.

We had traveled all the forenoon, had passed Jug Rock and had both got out of the carriage to get a near view of that wonderful natural vase; had stopped a short time at other places and arrived at a point perhaps a quarter of a mile from our destination. Here we saw coming toward us from the town a group of about thirty people—all men and all walking. We had frequently before, on entering towns, met committees and delegations, who came in wagons or on horseback, with flags and music to greet us, but this company had none of these things. They made no sign or sound, but walked in silence until they met us. They then told us the news, which they had just received, that the Baltimore convention had nominated Mr. Breckenridge for the presidency. It was our first intelligence of the event. The carriage had stopped; Mr. Morton got out on one side, I on the other; no one took our places; the driver went into town with empty seats. We chose, with our respective friends, different sides of the road and arrived at the tavern on foot.

While we made this walk there was a continued hum of conversation in a low, yet earnest tone, as to what would be the effect of this event upon the fortunes of the Democratic party and upon our state ticket, and

several inquiries reached already to the question as to what effect the election of Mr. Lincoln would have upon the people of the southern states. Of course these subjects entered largely into the joint discussion held that day and those held afterward. I told my competitor, in answer to his remarks upon the action of the Baltimore convention, that he need not flatter himself that any Democrat, whether he voted for Mr. Douglas or Mr. Breckenridge, would vote for Mr. Morton or any other Republican candidate. I was seconded in this by the instant response of several voters in the audience who were well known supporters of Mr. Breckenridge. I also reminded my opponent that in 1848 we had elected our ticket by a large majority in Indiana, although Mr. Cass, our candidate for the presidency, was beaten by the defection of Mr. Van Buren and his followers. Our friends, at the close of the joint discussion, were in high spirits, well pleased with the presentation made upon our side. My own reflections were not of so favorable a cast. Our prospects of success in the state had been seriously affected by the action at Baltimore, but this abated nothing of my future efforts.

Mr. Morton was somewhat my senior in years; he was then in the prime of intellectual and physical vigor, was an accomplished debater, and had made, in 1856, an unsuccessful but extended canvass for governor, which had given him an enlarged experience of campaign life. Prior to 1856 he had been a mem-

ber of the Democratic party and was said to belong to its ultra or extreme section. I did not take the initiative in charging him with these political changes, though our press, and often persons in the audience, would do this. But, although personal sallies occasionally took place between us, this joint debate was mainly very grave and thoughtful. It may be proper for me to say, at least in behalf of my distinguished competitor, that it was an able and thorough discussion of the questions then mooted between the two parties, having reference both to the result of the pending election and to the future potential conditions of the whole country.

After the completion of these joint discussions with Mr. Morton I returned to make a canvass in northern Indiana. It was now somewhat later in the campaign; on all sides were evidences of an approaching political disaster. In some of the counties; especially in those of the northwestern part of the state, there were instances in which the whole county cabinet, elected two years before as Democrats on the regular ticket, had changed their party affiliations while in office, and had carried their friends and relations across our lines into the Republican quarters. At many of my meetings it was openly stated by persons known before as Democrats, by some of these, that Mr. Douglas was the greatest and purest statesman of the age; by others, that they had the highest regard and esteem for Mr. Breckenridge, but they said it was

impossible for either of these gentlemen to be elected; they should vote for Abraham Lincoln. Still they professed loyalty to the Democratic state ticket.

In October we suffered a defeat not unexpected. The congressional district in which I resided returned Mr. Colfax to Congress by a majority of several thousand—a majority, as I afterward learned, which might be reduced but could not be reversed. The majority against us in the state corresponded somewhat with the vote cast for Mr. Breckenridge in November. I never entertained the opinion that the whole body of Breckenridge voters had given their support to the Republican state ticket. Our discomfiture was principally due to the Breckenridge movement, yet that did not make necessary the supposition that this was actually accomplished by the vote of its supporters. In an aggregate vote of hundreds of thousands, ten or fifteen thousand is a moderate estimate of that neutral corps of indifferents who invariably desert a failing cause and pass over to the winning side. The candidates upon the Democratic state ticket, thus beaten, retired to private life; in my own case, to the active practice of the law.

The great Civil War of the last century commenced in April, 1861. A crowd of sensations are recalled by the mere mention of the war for the Union. The feelings incident to that time of prolonged but unwearied expectancy, of alternate hope and depression, relieved only by the quickened pulses of final success, though they were then a part of our every-day ex-

perience, can hardly now be realized. They have been somewhat overlaid or submerged by succeeding events and vicissitudes and have thus yielded to the influences of the actual present. The stage of public action has been gradually filled by other figures, whose dimensions are enlarged for the reason that they are closer to our view.

In Indiana that year there was no election, no political canvass, yet it was a period rife with popular assemblies. They were held in every town and city, in almost every township of the state. These meetings were called Union or War meetings. They were strictly non-partizan in character, were attended by men and women of all political parties, and had for their object the growth and maintenance of the military spirit, and the enlistment and equipment of volunteers for the military service of the government. When it happened that some one was present upon such occasions who had served as an officer or soldier in the old war with Mexico, he was always called to the stand. Then we eagerly heard from an eye-witness something about the actual business of warfare. We heard of the march, the bivouac, the sentinel on his rounds, of the charge, of the attack and the repulse. Our whole people were engaged in learning the elementary lessons of a state of war, and in making preparations for that condition,—preparations too long delayed but now cheerfully begun and loyally continued.

In these first days many things depended upon private and voluntary effort. The administration, just

come into power at Washington, was slowly feeling its way, and seemed, as yet, to have no well defined relations with that all-powerful public opinion which afterward was to support and uphold it. The persons successful at the previous election, members of the legislature and others, were most of them new men, unaccustomed to public life. They were well enough affected toward Mr. Lincoln and his cabinet, yet they appeared somewhat surprised at the course of events, and were much bewildered by the conflicting opinions of their leaders as to the probable extent and duration of the war upon which we had entered. Under these circumstances the people acted chiefly upon their own motion. In many a farm-house of Indiana, by many a fireside, the old folks at home took counsel together as to which or how many of the sons of the family should go to war; all wished to go; whole companies and regiments were raised in excess of the number called for by the proclamation of the president. I do not recollect seeing at these meetings any regular military officer connected with the government, not even a recruiting sergeant—the recruits and recruiting officers were our friends and neighbors; they were all volunteers, they waited not for conscription.

Many of our young men engaged in preparing themselves for the occupations and professions of civil life, others who were attending schools and colleges, abandoned their classes and their studies and entered the army. Some of these had then, as now, left the state to seek their fortunes elsewhere; a number

of them returned home in order that they might enlist with comrades and commanders whom they knew. Women cheerfully accompanied their friends and relatives to the field to act as nurses and attendants in the campaign. The whole state continued for a long time to be a vast recruiting camp. Although the military events of the first year of the war were not of the greatest importance, yet the utmost anxiety was shown concerning them, so that when a battle had been fought, the people resorted in crowds to the county-seat or the railway station to learn the latest intelligence. Hence arose at this time the custom, not before in general use, of the taking of the daily newspaper by persons living in the smaller towns and in the country; this increased largely the circulation of those publications and has been measurably continued since.

As soon as the newly raised troops departed to engage in active service an immense correspondence began between the people at home and the army. All the moving accidents and exploits by flood and field were depicted by eye-witnesses, and the local press teemed with letters from the front; thus the zeal and spirit of the original movement were renewed and replenished, nor was there any abatement until the surrender of the enemy and the final cessation of hostilities.

Indiana, so often spoken of as a pivotal state, never showed its attitude as such in more noble and efficient form than in those memorable days of preparation that followed the attack upon Fort Sumter. The state had

been long known for its strict fidelity to all the covenants of the constitution and its steadfast loyalty to the government thereby established. The people of such a commonwealth could therefore with greater justice take up arms against those who were attempting the destruction of both. The uprising in behalf of the Union was general, and was accompanied by intense enthusiasm, touching and transforming to its use all the agencies and activities of life; insomuch that a man living in those times might well think that the old adage should be amended to read: Where there is a will, there are a thousand ways of doing what a free people have a mind to do. It was a movement having no parallel even in the annals of our race, except perhaps the rising of the people of England in the reign of Queen Elizabeth against the threatened invasion by the Spanish Armada.

This movement in our state was not the result of any partizan action, and it had no connection with the violent anti-slavery sentiment, then so rife in many of the eastern and northern states; still less was it inspired by hatred of the southern people or prejudice against their institutions. It had its source in a devoted attachment to the Union of the states—a sentiment which brooked not for a moment the thought that New York and New Orleans should become cities situated in different nationalities, or that the free navigation of the Ohio and the Mississippi should become the subject of treaty agreement between two foreign powers.

What makes the Civil War and its results so useful and instructive a study is that we may read, in the account of it and its consequences, of the displacement and extinction of fanaticism, and the ultimate ascendancy of reason, wisdom and magnanimity. In these consequences the extremists of both sections were bitterly disappointed. Those of the South desired the establishment of a separate and independent Confederacy recognizing the perpetual servitude of the colored races. The extremists of the North looked for the formation of a provincial dominion of subjugated states, whose white inhabitants, under the control of the central power at Washington, should be stripped of their autonomy and be subjected to the local supremacy of their former slaves. It is a justification of the warmest eulogy ever pronounced upon free constitutional government that both these designs were frustrated.

Mankind may learn from the course of these events that there was then in the world a nation that could make war upon a scale of colossal grandeur unknown before, and at the same time could make peace upon terms of amnesty so large and liberal as to be followed by a complete reconciliation, and by a union of the states even more perfect than that of the original compact. The moral and political ideals of that generation seemed to be more massive, higher, nobler than our recent standards; this may be looking backward; it is also looking upward.

In any historic aspect of the lapse of time, In-

diana, with its inhabitants, is yet a community young and new; it may be destined to last for ages, but it can never recur to grander memories than those of the part it bore in the war for the Union, and in the great task of reconstruction and pacification afterward.

In this highest task of statesmanship Mr. Hendricks, then a senator from Indiana, always foremost in the advance but never out of sight, was a pioneer. He marked out and cleared the way that others followed; the end of that way was peace.

In July, 1862, in my absence, I was unanimously nominated by the Democratic convention of the ninth district as a candidate for Congress against Mr. Schuyler Colfax. I had not sought this position, yet would not decline it. Arrangements were made in the sequel for a series of joint discussions between the two candidates. The district was accounted reliably Republican, and was large, comprising fourteen counties; the field to be traversed in the canvass extended from Mishawaka to Oxford. These joint meetings were held at all the county-seats and at many other places in the more populous counties; the time occupied was about six weeks of successive speech days, omitting Sundays. At each of these meetings there were two timekeepers and two moderators, chosen by the respective parties. The order was that no one was to be admitted to the stand except these four and the two speakers, but in the tumultuous excitement of those days this rule was sometimes violated and the crowd around us became so dense as to be oppressive. The

whole time of the joint discussion was three hours. The party who began spoke an hour in opening and had half an hour to close, the other spoke an hour and a half in the interval; and this order alternated from day to day.

These meetings were well attended, two or three thousand being a not unusual audience. They were often held out of doors in the woods, quite distant from railway lines. Even county-seats in the district, like Rensselaer, Knox, Oxford and Rochester, were then inaccessible save by journeys in the wagon or stage. In such assemblies were found the best men of both parties; the people were anxious to hear the debate and did not often tolerate perverse interruption or disorder. Such was the intense and eager political feeling of the time that no account was taken of the weather. On several occasions we addressed large crowds of men and women standing in the rain; some of them had umbrellas, others were without shelter, but none left the ground; all tarried to hear even the last words of the closing reply.

The care and precaution of the committee of arrangements for the preservation of order were heartily seconded by the audience and by the candidates. For although we were conducting a canvass in the very face of those bitter strifes and animosities engendered by the existence of a civil war, my competitor and myself both intended that no social war should result from our controversies.

Both parties united in preparing the platform for

the speakers, and seats for the audience. The main stand was always decorated with the national flag, with wreaths of cedar, green boughs, and garlands of wild flowers—the goldenrod and the asters, white and blue. Very little money was spent in these decorations. They might be to-day accounted cheap and trivial, yet they were real tokens of respect for the occasion, part of the manner and custom of the time.

It is somewhat difficult to conceive that the momentous questions then engrossing public attention, the speakers who engaged in their discussion, and the enthusiastic audiences who heard them and who greeted their respective champions with thundering acclamations of welcome and applause, belong now to a past so still and quiet. The past, like the future, is robed in silence.

My speech usually began with a plea for the Union, urging its perpetual maintenance against all enemies. The presentation of this theme was such that it commenced to be spoken of among some of the people as better and stronger than that of my opponent. Mr. Colfax, supposing that he might in some manner embarrass me, turned rather abruptly toward me while he was speaking one day, and remarked that if his competitor was such a devoted friend of the Union, he should shoulder his musket and help fight its battles. I said nothing at the moment, but when my time came to answer I told the people I was entirely willing to shoulder my musket and fight the battles of the Union, but was only waiting until Mr. Colfax should be com-

missioned as colonel to raise and organize a regiment ; that I would volunteer in it as a private and would remain in the service as long as he remained in the command. My competitor never repeated this method of attack.

Once during this canvass we spoke at a railroad junction, the stand being in a grove not many yards from the crossing. I had the opening, had been speaking ten minutes and was just about making certain points pungent and apposite, when a locomotive that had run in on the switch close at hand began to blow and whistle, and continued to do so several minutes, wholly drowning out my words and voice. Thinking that this was only an accident, I proceeded with another section of my discourse and had just reached another similar passage when the locomotive lying there on waiting orders made a longer and louder interruption than before, and I observed signals passing between the engineer in the cab and persons near the stand. While I was waiting in some embarrassment, the chairman of our county committee, who was in attendance, came up and in a low voice advised me to go on, to pay no attention to the interruption, and to take up my hour ; he said that he would make the matter right and satisfactory. I accordingly proceeded to finish my remarks, although many of them were inaudible, owing to the continued noise of the engine, which left the switch and went away upon the main track just at the close.

Mr. Colfax rose to follow me. He had spoken per-

haps fifteen minutes and had just reached one of his highest and best flights when another engine, which had come up and was standing in the same place, on the same switch, commenced and continued a deafening discharge of blasts and blowing. My competitor stood aghast, but smiling. There had been a change of politics in the engineers. This was what our chairman wished to signify in what he had told me. Mr. Colfax continued his address and the locomotive was steady and loud in its responses during the whole time of its stay. After it left us Mr. Colfax had half an hour in quiet to conclude and I had the same time to close. As we were leaving the stand I asked him how he liked the new method of applause by steam. He replied that they had carried the matter too far, entirely too far. This did not occur again.

In the election of 1862 the Democratic party carried the state and the legislature; Mr. Colfax was, however, reëlected.

CHAPTER TWELVE

THE SENATORIAL ELECTION OF 1863—SENATOR LANE
—ALBERT S. WHITE—PRESIDENT LINCOLN—CHIEF
JUSTICE TANEY—DEMOCRATIC STATE CONVENTION
OF 1864—GEN. MAHLON D. MANSON—SECOND RACE
FOR CONGRESS AGAINST MR. COLFAX—THIRD RACE
FOR CONGRESS AGAINST COLFAX, HIS SUCCESS AND
SUBSEQUENT ELECTION TO THE VICE-PRESIDENCY

The legislature elected in 1862 met at Indianapolis in January, 1863. It was Democratic on joint ballot; there were two United States senators to be chosen, one for the remainder of Mr. Bright's term, the other for the full term of his successor. But one name was spoken of for the full term, that of Thomas A. Hendricks; he was nominated by acclamation. There was an animated and somewhat prolonged contest between the friends and opponents of Mr. Bright, touching his return to his former seat; but before the meeting of our caucus that gentleman withdrew his name as a candidate. I was nominated on the first ballot for the remainder-term. Mr. Daniel D. Pratt, of Logansport, was my Republican competitor for the position and received the full vote of the party therefor in both houses.

After the election I called at the governor's office. Mr. Morton gave me my commission with his best wishes for my personal success, observing also that the honors of our party had been justly and deservedly awarded. This remark I repeated to Mr. Hendricks, since it was doubtless intended as a compliment to both the senators elect. All these things were very pleasant. I made directly the journey to Washington, but encountered there at the very threshold a state of things not so agreeable. My immediate predecessor in the Senate was Mr. Joseph A. Wright, who was holding the seat under appointment by the governor. The usage and precedent of the Senate had been that the predecessor in the seat, unless their personal relations forbade it, should be charged with the credentials and the introduction of his successor. Upon my arrival at the capital the Democratic members of the House from Indiana waited upon me in a body to say that this precedent must be ignored. They charged that Mr. Wright, after having been highly honored by us, had left the Democratic party, had used all his ability and influence to overthrow it in the late election, and that the Democracy of Indiana would not permit that he should be in any way recognized. I wished to observe the precedent but did not care to incur the censure of an opposition so strong and unanimous. Another senator was requested to take charge of my introduction. Mr. Wright did not take the slightest notice of this action. As soon as I was seated he came to my place in the Senate, accosted me in the

friendliest manner, and invited me to dine with him the same evening. I called at his lodgings for that purpose; his rooms were large, comfortably furnished and convenient to the Capitol; the affair ended in my renting and occupying the apartments which he was about to vacate.

Mr. Lazarus W. Powell, one of the senators from Kentucky, took charge of my credentials. He walked with me arm in arm to the desk, where we met the vice-president, Mr. Hannibal Hamlin. I was sworn according to the ancient form, the oath being taken upon the four Evangelists. The vice-president extended toward me his hand in which he held a copy of the New Testament, which looked as if it had seen much service. My right hand was lightly laid upon it, he repeated the oath, and at its close I bowed and kissed the book. It was a stage kiss. This ceremony has since fallen into disuse. The oath is now administered in the common form, with the uplifted right hand. The book and the kiss have both vanished.

There were at this time only fourteen Democrats in that body, mostly from the border states. The majority in the Senate included many gentlemen of great legislative capacity and of varied political fortunes; but it was a strange medley in respect to its partizan antecedents. It was composed of such men as Mr. Charles Sumner and John P. Hale, original abolitionists, who had never affiliated with either of the old parties; of men like Preston King and David Wilmot, who had been Democrats, and of others like my col-

league, Henry S. Lane, and Jacob Callamer, who had been Whigs, but yet acted and voted together with almost constant unanimity. Mr. William P. Fessenden was the ablest debater in the Senate, as he would have been in almost any deliberative body of that time. Even when beaten in some particular contention, a very rare occurrence, he dexterously turned about and discharged a Parthian arrow in retreat, which always wounded and sometimes transfixed his adversary.

My colleague, Henry S. Lane, was the first Republican senator from Indiana. He had previously served with distinction in the House, had been an officer in the Mexican War, and was publicly commended for valor on the field of Buena Vista. His political prominence was not due to the labors of any trained personal following or to the use or abuse of federal patronage. His particular friends and supporters were found among the ranks of the people who, upon the public questions of the time, thought and voted as he did, and these were only to be numbered by the count of the vote of his party at the polls. They admired his impassioned oratory upon the hustings; they deferred to his wisdom in council; they confided in his political integrity and in his high sense of personal honor.

These were splendid qualifications for a public career. It may be questioned whether any better have since his time been discovered. Men in the mass he had studied carefully and knew, though with individuals he had little occasion to deal; and he entertained a wholesome contempt for anything that

savored of artifice or intrigue. His retirement from public life in 1867 was wholly voluntary, and it was absolute. When he had given his last vote in the Senate the record was closed.

A few days after this my colleague asked me if I had met the president, and we made an engagement to call together at the White House. We went early in the forenoon, and found Mr. Lincoln alone, sitting with a law-book open before him. He rose upon our entering, still holding the book in hand, using the finger as a book-mark. As soon as the introduction was over he said: "Gentlemen, I have been looking into the books about this matter of the blockade at Charleston." It happened that on the day before the newspapers contained the mention of a proclamation issued by the Confederate authorities at Charleston, S. C., reciting that a vessel had sailed out of that port carrying as passengers the English and French consuls; had spent twenty-four hours outside the harbor, and had returned without seeing anything of the blockading squadron. It was claimed that this was a breach of the blockade, authorizing the proclamation that it had been raised and could no longer be lawfully enforced. The president continued his discourse to us, saying: "I have been looking into some works of international law upon this subject. Some of these authorities seem to hold that a vessel seeking to enter the port, after lying outside twenty-four hours without hindrance from the blockading squadron, may lawfully pursue her voyage to its des-

tination; but I find no case holding that any such rule applies to a vessel coming out of the blockaded port. Why," said the president, "this is very much as if a man had been hooped up tight in a hogshead, and should contrive in some way to knock the bung out, and then issue a proclamation through the bung-hole that he was free; he wouldn't be loose, would he? I shall pay little attention to this Charleston manifesto." We both readily assented to this conclusion and took our leave.

No one met me, nor did I meet any one at Washington, with more pleasure than my friend Albert S. White. He had previously served in the House and Senate as a Whig; now in his old age he had been elected to the House as a Republican. But these political changes had not affected in any way the goodly and gracious personality of the man.

We had lived in the same section of our state, and though the tide of events had separated us, yet we had at home many personal friends and acquaintances common to both. One of them had taken office at the beginning of the new administration and in the course of his service had fallen into some embarrassment that required executive action for his relief. We called upon Mr. Lincoln together concerning this affair. The president informed us that the papers in the case had reached his desk, that he had not overlooked them, neither had he as yet looked over them very closely. Mr. White made a full statement of the facts; I followed with some remarks about the

law of the case. Mr. White resumed, speaking of his long acquaintance with the man, his honesty and good faith; among other things of an instance in which a large sum of money had come into his hands, for which he was not bound by any note or bond, yet he had fully accounted for it, principal and interest, without suit. Mr. Lincoln, as I noticed, paid very close attention to this, shifted his legs upon the knees, a bodily habit of his, and seemed to be much moved by parts of his recital. When Mr. White had finished, the president said: "Gentlemen, I shall carry this case, as we say in Illinois, over to the *chancery side*. We all know what statutes are made for—it is to see that the right thing is done; it is my duty to take care that no innocent man is wronged by them; by that rule I shall be guided." We went away feeling hopeful as to our mission and were not disappointed in the result.

One of the finest traits in Mr. Lincoln's character was his genial affability and his self-engrossment, for the nonce, in the subject submitted to his consideration. He listened upon such occasions with the air of one who has no other business, nothing on his mind, no care or concern whatever, except to hear and attend to the matter in hand. He closely observed even the most casual gesture or remark of those present, so that in conversing with him, exaggeration or understatement were alike to be avoided. Sometimes he closed an interview with a single question going directly to the gist of the subject. If you were not well prepared with a satisfactory answer it was best to

take time for reflection, and if upon further thought no such answer was suggested, it was needless to reopen the subject; you then knew the president had designed that it should thus be closed. No one ever left his presence without feeling that he fully apprehended what action was required of him, and why it was requested—a thing very different from either granting or refusing a request, yet involving a labor of courtesy and kindness which those in exalted stations are not always willing to undergo. It was not hard to conceive that greatness inhabited a mind where goodness was so often apparent.

Mr. White did not desire to be a candidate for reelection to the House. At the expiration of his term he was appointed by the president and confirmed by the Senate as a member of an Indian commission. Talking of this some time afterward, Mr. Lane said to me that he supposed it would be the last we should hear of our old friend. It happened that in a few months a vacancy occurred in the United States district judgeship for the district of Indiana, and he was immediately nominated and confirmed for that office, but died in a short time thereafter. All Mr. White's preferments were due to the personal favor of the president. Mr. Lincoln was not at all careless; he was very cautious in the bestowal of his friendship and confidence, but when they were once given they were given wholly, without reserve. It may be said there might have been an unworthy recipient; he

never chose an unworthy recipient when he acted upon his own personal judgment and observation.

I have since deeply regretted that Mr. White did not live some years to preside in the federal courts of our state. He would have brought to the duties of the bench great store of legal learning and acumen, the most patient diligence in all his work, accompanied by an inborn courtesy, an urbane suavity of manner, which much becomes those who sit in these high tribunals.

Although I was a new senator, yet the Democratic conference committee, and notably its chairman, Mr. William G. Bayard, of Delaware, insisted, as we were so few in number, that I must take the floor. I accordingly made a speech upon what was known at the time as the Missouri Bill; I had also a running debate with Mr. Henry Wilson, a senator from Massachusetts, upon the comparative loyalty of the two states which we in part represented. Indiana did not lose anything in this encounter. Mr. Lane and other senators of the majority side congratulated me warmly upon its conclusion.

On the fifteenth day of February, 1863, I was admitted as an attorney to the bar of the Supreme Court of the United States upon motion of my colleague, Mr. Henry S. Lane. Roger B. Taney, the chief justice, presided on the day of my admittance, and directed by order the subsequent qualification and certificate. I called upon the chief justice more than once after-

ward, with senators from his own state, Maryland, and with others of his acquaintance. He was then beyond seventy and showed bodily some of the infirmities of age; mentally he was bright and vigorous, his countenance being of a well marked intellectual cast; his eyes had not grown old, but looked very young set in a face so venerable, full of thought and feeling. He was the successor of John Marshall in the court and in the chair of its presidency, and, which is much to say, was worthy of the succession. He had been, before his appointment to the bench, attorney-general and a prominent member of the cabinet during the administration of General Jackson,—an administration which encountered the most violent and unscrupulous opposition, yet always overthrew it. His manners were plain and simple, kindly with dignity. He reminded me of Blackford. There was not the slightest intimation or assumption of superiority in his private intercourse, yet you did not forget in his presence that he was chief justice of the United States.

The Democratic state convention of 1864 met at the Metropolitan Theater in Indianapolis. I was chosen president of the convention for the first time. The delegations from the different counties were full and there was an attendance that day not seen before and such as has never been seen since. General Henry B. Carrington, commanding the department of Indiana, with certain members of his staff in full uniform, had seats upon the stage. Mr. Joseph

E. McDonald was nominated for the office of governor, David Turpie for that of lieutenant-governor.

I had made some progress afterward in my canvass for the lieutenant-governorship and had just attended and addressed a Democratic convention held for some local purpose at Princeton. After the meeting, returning to the hotel, I was engaged in conversation with several gentlemen of that part of the state, when a letter was handed me which had arrived during my absence. Without interrupting the conversation the letter was unopened until these gentlemen left for their homes. It informed me that the convention of the ninth district had unanimously nominated me for Congress against Mr. Schuyler Colfax. I completed my other appointments in the Pocket, as this southwestern part of Indiana is ordinarily called, and returned to Indianapolis. Here Mr. McDonald and other friends met me. I did not wish personally to determine the question whether to remain a candidate upon the state ticket or accept the race for Congress. We agreed that it would be best to refer this matter for determination to a joint session of the state and district committees. Such a meeting was held, and after a full discussion of the question, in accordance with their determination, my resignation of the candidacy upon the state ticket was made and preparations were begun for the congressional canvass.

General Mahlon D. Manson was nominated for the

place of lieutenant-governor. This was his first state political preferment; it did not avail him at the time but he was fortunate in the sequel. He was then absent with the army in the field and did not return to take any part in the campaign. Afterward he became a member of Congress, auditor of state, lieutenant-governor, and collector of internal revenue in the Terre Haute district. He was a citizen and soldier of the best qualities, and of unwavering fidelity to his political principles; was a Democrat of the strictest school and for many years, from 1866 to 1886, took a very active part in the public canvass of the state. Little attention was paid in his speeches to what are called the elegancies of gesture or diction, but they were noted for stirring appeals to his former comrades in arms, and for an earnest force and directness well becoming the martial bearing and presence of the veteran. The people were well acquainted with the record of his gallant service in the war with Mexico and in the war for the Union. They honored his old-style plain and primitive manner of address with willing and attentive audiences; for courage and patriotism never go out of fashion.

The campaign for Congress between my competitor and myself in this second trial of our strength was conducted in the same mode and to the same extent of time and travel as it had been two years before. Mr. Colfax, in this canvass of 1864, when the close of the war was within measurable distance, urged, with great emphasis, that voters of all parties should set

aside their differences of political opinion, should discard their partizan predilections and rally to the support of the administration then in office.

Doubtless it is the duty of men of all parties to support the government engaged in the prosecution of a war against a public enemy, whether foreign or domestic. But this is a very different thing from saying that all citizens should dissolve their party organizations, surrender their political convictions and unite in electing a president and members of both houses of Congress wholly of the same party. Such a unity would only lead to an unchecked, unchallenged system of incompetency, corruption and oppression. Minority and majority parties are, in a free government, necessities as useful in time of war as in peace. An administration happening to be in power is not the government. The government of this Republic is worth more than this administration or any other and will outlast them. This was our position; it was openly taken and upheld and it was never relinquished or abandoned, not even in the utmost extremity of disaster.

Mr. Colfax was again elected, yet not by so large a majority as he had sometimes formerly received.

In July, 1866, I was again nominated by acclamation for Congress, and thereafter made with my opponent, who was speaker of the House at Washington, the third joint campaign in the same manner as before. Our last joint discussion, the last in which either of us was engaged, was held at Knoxville, in the county of

Stark, on Saturday preceding the election in October. The number in attendance was large and enthusiastic on both sides. When we had completed our three hours of joint debate we were tired and exhausted. This was the seventh week of the canvass, for the committee, overborne by importunities, as the district was becoming more populous, had added six speech days to the list. We sat for a while upon the stand, until the crowd had dispersed. As we were then going down the steps together, Mr. Colfax turned toward me and asked if I thought I had beaten him; I answered that the day was now so near at hand when it would be known, that it was hardly worth while to make a conjecture. Mr. Colfax replied that he did not know what the result might be, but he knew one thing certainly—he should never make another race for Congress in that district; the labor was too great, too exacting. He kept his word; indeed neither of us ever made another race for Congress. He was again elected.

These three successive campaigns with their accompanying joint discussions covering a period of six years, made between the same competitors, with the same result, are perhaps without a parallel in the history of our state. The notably distinctive feature in them was the unchanging stability of both parties in their choice of candidates. That the party uniformly successful should have retained in its service the same candidate is not so singular, but that the minority party, under these circumstances, should have steadily

adhered to its defeated candidate is somewhat uncommon.

After the meeting at Knox I returned home, betook myself to the work of the bar in the courts, well contented in my work and satisfied with its rewards.

Mr. Colfax was again chosen and served two years as speaker of the House, and at the close of his term was inaugurated vice-president of the United States.

CHAPTER THIRTEEN

INDIANA STATESMEN AT WASHINGTON IN 1869-70—
SENATOR PRATT—COLFAX AND MORTON—CANVASS
OF 1872—THE COUNTY OF BROWN—JAMES S. HES-
TER—ELECTION OF MR. HENDRICKS TO THE GOV-
ERNORSHIP

I visited Washington several times during General Grant's first term in the presidency, upon business of my profession, and met there upon the floor of the Senate Mr. Pratt, my former law preceptor, who had succeeded Mr. Hendricks, Mr. Morton, who had succeeded my colleague, Mr. Lane, and Mr. Colfax, who had no immediate predecessor in the vice-presidency and was the first Indianian to hold that office. It was a gratification to see our state so ably represented, although I was in no sort of political accord with this representation. I dined with Mr. Pratt at his rooms on Capitol Hill; they were not far from the Senate chamber; he had become rather corpulent, and preferred always to walk but not for too long a distance. He was then the leading member of the Senate committee upon claims; he liked his place and the duties connected with it, being chiefly engaged in passing upon questions of law and fact in the line of his former studies.

He told me that he was somewhat surprised at the consequences resulting from his labors. He offered a bill, or a clause in a bill, in the Senate carrying sometimes one, two, or three hundred thousand dollars, and it passed without a word of inquiry or objection. The reason for this was well known. They had carefully observed his first reports and papers, and they also knew from intercourse with his fellow members of the committee his diligence, impartiality and sense of justice. They now had the fullest confidence in his judgment. When Mr. Pratt reported favorably upon a claim no senator questioned its validity.

He did not often address the Senate, but made one speech which has had a long history in the sequel. It was made in behalf of the claims of southern loyalists upon the justice and generosity of the government. It dealt largely with the legal principles relating to these claims and laid down with systematic order those rules which should govern Congress in their adjudication of such cases. These rules have since been followed, quoted and cited as authority. This speech, a copy of which I still have, sent to me under his personal frank, closed with such an appeal for reparation to the Unionists of the South, for losses incurred by reason of their fidelity to the government, that even senators were said to listen with moistened eyes to its moving pathos.

I never thought that Mr. Pratt personally regretted his retirement from public life. His native heath and home were to be found in the court-room before a jury

of his countrymen. An argument to a jury, delivered upon the facts of the case in the close, was by him very seldom made in vain. He was tall in stature, some inches over six feet, and well proportioned in his whole figure. His voice when raised to its full pitch and volume might literally be well likened to the sound of many waters. He had a fluent command of the best classic English, but made no use of this in attempting to translate the language of a witness—those pithy home-spoken phrases in which our people often describe the edge or ending of a transaction. He did not translate these, he quoted them *verbatim*, and repeated them with such tone and unction that they were graven into the memory of the hearers. No advocate ever transposed himself more completely into the place and condition of his client. It is said that a jury in one of the northern counties, in a strongly contested case where he had appeared and spoken as counsel, returned their verdict in these words: "We, the jury, find for Daniel Pratt." Of course they were instructed to amend the form of their verdict and they did amend it, but this shows the identification of the counsel with his side and cause. His advocacy of a case upon jury trial was without fault or flaw, a model to the younger men of the profession who gathered round him, as worthy as it was difficult of imitation.

Perhaps a virtue deemed so trite ought not to be here mentioned, but Mr. Pratt, to use the phrase the people often applied to him, was a man of un-

common honesty, of the purest probity in all his dealings. Though possessed of an abundant competency, he was not rich in the twentieth century acceptation of that term. His useful and almost invaluable service in the Senate added nothing to his fortune; the salary did not equal his emoluments from the practice of the law, and no gains ever came to him save those gathered with a good conscience and with honor beyond the suspicion of reproach.

When a man who has held high and responsible positions in public life now dies poor, the fact may be blazoned to his credit far and wide; at the same time there is a class of persons, too numerous, who wonder with a foolish face of praise why he did not take advantage of his opportunities. Many speak well of his integrity; not a few are somewhat disposed to blame his abstinence. In this divided state of public sentiment we may justly claim that this great leader among men shall be for this, his honesty, as well as for his other excellences, long honored and remembered.

On the occasion of one of my visits to Washington, Mr. Colfax and myself called on President Grant. We went in the evening at half after seven o'clock; we were shown into a room on the south side of the executive mansion where we met the president and his family, and spent an hour in conversation very pleasantly. Mr. Colfax had the familiar entrée at the White House. It was one of those instances, not very common, in the social life of the capital when the vice-president was the personal friend and intimate

associate of the president. We then went to call on Senator Morton. I had been requested to call and Mr. Colfax wished also to see him.

We found him at his room in the National Hotel, lying in bed partly undressed, suffering from rheumatism or sciatica, to which he was subject. He was glad to see us,—said it was a relief to him. We had a lively and general conversation about events then current in Indiana and elsewhere. The senator and the vice-president had a dialogue between them about the business, or rather the order of business, pending in the Senate in which they were interested. After this there was a little pause in which Mr. Colfax suggested that as I had given them both a great deal of trouble in my time now would be a good opportunity to deal with and despatch me. Morton grasped his cane, Colfax came forward to arrest me by the coat collar, but I claimed the privilege of the floor, insisted I had come there upon terms of a peaceable parley, and at last we agreed upon a truce not to be broken until the opening of the next campaign.

When we left the hotel Mr. Colfax proposed a walk and we strolled away together. During this walk he told me that he had determined to quit public life at the expiration of his term, and that he thought of engaging in the lecture-field. In respect to his retirement, I was surprised to hear it, since his name was often and favorably used in connection with a place yet higher than that which he held. In regard to the lecture-field I gave him my best wishes for his suc-

cess, saying that he had every requisite to attain it, a national reputation, voice, vigor, and a style of composition admirably adapted to that purpose. And so it proved. He became one of the most popular platform speakers in the United States.

It may be observed that I had many and varied passages of acquaintance with Colfax and Morton. But my relations with them were adverse and controversial, those of intercourse rather than of intimacy. Colfax and Morton were both men of extensive reading, of good general attainments, diligent students and close thinkers in certain lines of research. No natural element was wanting in either of them for the achievement of that success to which they aspired. Morton was a lawyer of such superior talents and learning, that when he abandoned the practice to enter upon public life, he left in the bar and circuit to which he belonged a well marked vacancy. Colfax, it was said, had been educated in his youth for the same profession, and had been admitted to the bar, though he had never been engaged in the practice. I always surmised that, in his law-readings, he had rather taken a lunch than made a full meal. His manner of speech, though a fine one, was not that of a lawyer. He was fluent and fully informed upon his favorite subjects, not so well beyond. In the history of current American politics, that of his own age and of the anti-slavery movement in this country in its whole development, he was the best informed man of his time, either in or out of Congress. Herein he had exact

knowledge of date, place, person, every particular, wonderfully at his command. He was the readiest debater I ever met, very quick in retort and repartee. When a new point was made against him or his party it was hard for him to wait; he rose to his feet out of time, out of order, to thrust in a reply; this reply was not always an answer; he was sometimes caught or clipped in the rejoinder.

Morton, in such a case, did not seem to pay any attention to the new matter; he ignored it, perhaps for a day or two, but on the third day afterward he made his answer, and unless his opponent was well braced, wary of guard and skilful of fence, he suffered an overthrow. The manner of Morton, whether in the Senate or in a popular assembly, was that of a practised advocate. His speech was an argument proceeding regularly from premise to premise. He told no stories, made no repetitions, sometimes made use of irony or satire, but these must be closely akin to the main subject. He did not say firstly, secondly, and thirdly, but paid his audience the compliment of thinking that they could, without these aids, follow him in his course; and they did so to his conclusion,—a conclusion always placed upon firm, high ground strongly intrenched and fortified. Mr. Colfax reached his conclusion or climax also, often one of great power and magnificence, but it was somewhat emotional, founded upon feeling or sentiment. Colfax took possession of an audience much sooner than Morton, with

more grace and facility, yet this hold was not so lasting or retentive as that of his distinguished rival.

Mr. Colfax had and needed a great deal of tact in the management of affairs inside the lines of his own party organization, especially toward the close of his career. After the Civil War was ended of the officers and men who had seen service those belonging to the Republican political household claimed a full share of public honors and emoluments; they largely displaced civilians in these preferments. Mr. Colfax was a civilian; he never had any official relation to, or connection with, the army. He did not, like Morton, control appointments, commissions or promotions. In his pathway to the speakership and the vice-presidency he encountered these military aspirants, and paid a good deal of that toll exacted by envy, yet he outgeneraled them all. Under the first soldier of the Republic he held the second office in the government. This was one of the salient features of his career, and it is to be noted that he accomplished this with so much discretion, and with such an air of complaisance, as to retain the respect and support of all his competitors. He gave no offense, no cause of quarrel, yet achieved the mastery.

Mr. Morton's course was vastly different. He made little attempt to placate opponents or to assuage animosities within his party. It used to be said of him by his Republican opponents that he was very much opposed to slavery except among the ranks of

his own followers; their condition was one of abject servitude. Persons that were not docile and tractable under his rule he labored diligently to disparage and suppress. None of these things were necessary to him in the performance of his useful service to the state and the country; they were not at all needful to the maintenance of his ascendancy in the councils of his party; he was easily at the front without them; but he preferred to assert his leadership and to exercise its functions in this manner. Our Democratic success so soon after the close of the war may have been in some measure due to the Republican revolt against this sort of domination. Hendricks was elected governor, McDonald became senator, and our electoral vote was cast for Tilden—all in the lifetime of Morton.

I have always thought that the retirement of Mr. Colfax from public life occurred at a period for him very fortunate. Whether or not he had the executive abilities requisite to the discharge of the duties of the first office in the Republic, they can not be denied to him. It can never be said of him, as was said of the Roman emperor by Tacitus, that every one would have thought him worthy of reigning had he not reigned.

He had presided first in the House and then in the Senate, the two great chambers of our national legislature, for many years; and he had earned world-wide repute by his service in these high positions. When he laid down the gavel for the last time he became a his-

toric character ; he took leave of the Senate and bade his countrymen farewell in his best and most perfect form and figure, in the noontide summer of his fame.

The administration of Morton as war governor has been the theme both of unmeasured detraction and panegyric. It deserves neither. As a chief magistrate in the regular discharge of constitutional duty he was no model. As a political leader, placed in a position of uncontrollable power, his course may be susceptible of a somewhat favorable consideration. He opposed the proclamation of martial law in the state, a measure more than once seriously entertained and seconded, yet he himself did many things possible only under that system.

The true method of estimating his conduct is to regard it, as it actually was for the time being, that of an absolute ruler. In the exercise of this extreme authority he recognized certain limitations ; they were not limitations of law or of constitutional right, but simply the suggestions of his own prudence and discretion. In a particular class of cases, he knew that he might go far beyond the ordinary line of legal procedure. Public, or rather popular, opinion not only tolerated but vehemently approved this course. Here he stayed his hand.

His most arbitrary acts were done openly, under the plea always made in such cases, of military necessity or of the public safety. The arbitrary acts which he forbore to do, though often urged to their performance, were much worse in character, as they would

have been in their consequences, than those he committed.

What's done, we partly may compute
But know not what's resisted.

He was a veritable type of the spirit prevalent in that age, a virile exponent of the aims and purposes of the intense partizan school. This partizan intensity seemed to grow with his years; it did not decline when the causes that had at first engendered it were diminished. His posthumous fame, therefore, may have incurred some injustice, and for the same reason his capacity otherwise is not shown in its due proportions. Like another Oliver, the great ruler of the English Commonwealth in the seventeenth century, whom he in some respects resembled, his political course was not free from inconsistencies, but these were merged and harmonized in one object, the success that attended him. What was merely said of Burke might be emphasized in largest capitals of Morton: he not only gave up, but deliberately surrendered and devoted to party what was meant for mankind. Hence his reputation, though extensive and well established, is great within certain metes and bounds; yet it is such as he chose to make it.

His views of our national policy not connected with partizan interests or action were just and comprehensive. During his service in the Senate they were often made known, always strongly stated and vigorously upheld. Since his day they have been little studied

or exploited. After his death they lapsed. Many wore his yoke but none his mantle. It is hard to take to pieces, to depict separately, the features or lineaments of such a character. The effect of the whole, upon those who knew him, was so impressive as somewhat to obscure the parts. In regard to these it is easier to say what he was not than what he was.

To speak of one particular, avarice had no place in his nature. In a time not free from corruption, prone to the adulation of wealth and rife with the sordid temptations of self-interest, he lived and died no richer than when he first took office. Herein is an exemplar most laudable. This tells of him much more than monuments may show, better things than eulogy can utter.

Republican partizans desiring to compliment some one of their modern leaders, often liken him to Morton. These persons seem to forget that Morton was a man of great intellectual strength, as well as of the finest executive talents; that during the whole period of the war for the Union, when we had more than one hundred regiments in the field, and when the civil list was also necessarily much enlarged, and long after this, he had, as governor and senator, as far as it concerned this state, the entire control of patronage, federal and local, civil and military. Who now has, or can have, such a following? Circumstances have not since existed to make a leader of any party, moving and acting in such an extensive, almost boundless sphere of opportunity and power. In this, as in many other

respects, he stands and will stand for many a day, alone and unapproachable.

I made in 1872 my largest canvass of the state, visiting and addressing the people in fifty-one counties, not as a candidate for any office, but, as I have been often, before and since, what is known as a *free lance*. Mr. Hendricks, our candidate for governor, had made an appointment for Nashville, which he found it impossible to fill, and I was detailed by the committee for that purpose. My journey thither from the North was made by the way of Morgantown. It was, in its entire course to Nashville, up one declivity and down another; for the good county of Brown is a commonwealth seated among the hills, many of which approach the dignity of mountains, with corresponding valleys and ravines.

The inhabitants of these hills were a people hardy, industrious, intelligent, very religious, unalterably attached to the Democratic party, genial in their intercourse with one another, hospitable to strangers, neither unwilling nor unable to give a reason for the faith which they professed, either in matters of Church or State. School-houses and churches abounded among them. They had no railroad nor telegraph exchange, no saloons, no delinquent list; and their jail was nearly always untenanted. I had visited Nashville and spoken there ten or twelve years before. Upon that occasion, after speaking on Saturday, I had spent Sunday in town, and the next Monday and part of Tuesday in the country, as the guest of Mr. James S. Hester, a gentle-

man of rare mental and social qualities, whom I had indeed met often before, but not at his home. He was a cheerful companion, a lawyer of superior attainments and a legislator of approved experience. His friends sometimes wondered why he had taken up his residence in Brown; they said he could have made much money by a change; yet he was the wealthiest man I ever knew—he wanted no more than he had.

We traveled together three days through the country-side; visited *Wake-Up* and *Gnaw-Bone*; went to *Bear-Wallow*, *Possum-Glory* and *Pawpaw-Paradise*—very pleasant hamlets, slightly woodland ravines, although some of them labor under the disadvantage of such quaint misnomers. We made the ascent of Weed-Patch Hill, said to be the highest elevation of land in the state; and indeed the spectator of the view from the summit may well fancy that he is in attendance upon a mass-meeting of the hills, from which not one is absent; the whole sweep of the horizon is filled with their presence.

My friend's political sway in this county palatine approached omnipotence; but his was a generous rule, the voluntary tribute of his people, who, to use their own expression, looked up to him in all things. Mr. Hester, one or two years after this, came to see me at Monticello. He was a devoted member of the angling persuasion. I took him to all the favorite fishing grounds along the Tippecanoe River and he was very successful in those hook-and-line excursions. We drove far out into the Grand Prairie, in the midst

of the sea of grass and flowers which then covered its surface, level as a floor. He was pleased with the landscape, so much in contrast with that of his home. He remarked, however, that this part of the country lay too flat on its back, hence there were no springs.

We then went to some of the smaller neighboring streams, the Iroquois, the Pinkamink, the Monon, and the Metamonon. He never tired of repeating these names, especially the Monon and the Metamonon. They reminded him of Homer. He conceived the fancy that this region must have been at some very remote period of antiquity the site of a Greek colony who spoke the Ionic dialect, and that these remnants of the music of the language had survived in the names of the streams. When we had finished our tour and the time came to leave, we presented him with the freedom of the city, with a perpetual franchise in the fisheries. No guest ever departed more richly dowered with the good will and wishes of those he left behind him.

We had a very fine meeting upon my second visit to Nashville in 1872. My welcome was warm and earnest. My friend, Mr. Hester, was absent. The whole county cabinet had also been changed,—the chairman and the committeemen. Friends surrounded me on all sides, but they were for the most part new friends, in new places. I had noticed these frequently recurring changes elsewhere and had given them some consideration.

The mutations in these official and semi-official positions are due mainly to three causes: mortality,

which is a cause natural; rotation, which is the result of custom, law and usage; and removal, which last cause has been within the last thirty years greatly aided by the increased facilities of travel. The former strong attachment of our people to their ancestral homes and acres has been somewhat abated. One may find in every town and county many instances of families long settled in their domicile, who, being suddenly seized with the spirit of exodus, have sold their possessions and left the state. You may meet with these voluntary exiles from Indiana in California, Oregon, Texas, Florida, even in the islands of the sea —

Where the remote Bermudas ride
In the ocean's bosom unespied.

Among these many an old county officer, ex-chairman or committeeman has departed from his erstwhile constituency. When you meet one of these exiles in his new habitation, and have crossed his hospitable threshold to spend the day, you commence to talk with him about bygone political times and incidents in his former home; at first he smiles broadly at his own expense; he is thinking how he could ever have been so intensely engaged or interested in such matters. But in a little while he is himself caught by the humor of reminiscence; he recounts in detail the trials and troubles of his first canvass and begins to talk of his acquaintance with Hendricks, Morton, Willard or Whitcomb, and other ancient worthies; he

dwells upon their sayings and doings with unalloyed satisfaction and delight.

Not until the night is far spent do you and your host retire; and when you reflect afterward upon these communings, among the new and strange surroundings of that distant home, the whole scene appears so unreal and visionary, you may almost fancy that you have been listening to some crusader of centuries long ago, relating legends of Count Baldwin or of Richard the Lion-hearted in their warfare against the Saracen for the recovery of the Holy Sepulcher.

Mr. Hendricks was this year elected governor. It was his third canvass for that office. Former defeats had not affected his popularity and he was the only person of either party who had been three times honored by a nomination for that position. His success was in a great measure due to his personality, his recognized capacity and eminent qualifications for the chief magistracy. At the time of his third candidacy for the governorship he was as widely and favorably known throughout the Union as any of the candidates upon the presidential tickets. It was fortunate for the state that this election occurred in October; in November following the result might have been different.

The massing together of state and federal elections every four years is a doubtful policy; it was once beaten but afterward prevailed. Under this method the character and qualifications of candidates for governor and other state offices are lost sight of, merged in

the overwhelming strife of the national contest. These candidates become mere dependents—local appendages to the presidential ticket. The importance of the state government is thus diminished and for the time, in some degree, overshadowed and disregarded.

This method was urged principally upon the ground of economy, and it may perhaps have saved a modicum of time or money. The undisturbed and more perfect freedom incident to a separate state election did, without question, cost something; the loss of it may cost more.

CHAPTER FOURTEEN

ELECTION TO THE LEGISLATURE IN 1874—JOSEPH E. MC DONALD—THOMAS A. HENDRICKS—BENJAMIN HARRISON—LAST FUGITIVE SLAVE CASE IN INDIANA—MR. JUSTICE DAVIS—JUDGE WALTER Q. GRESHAM—CAMPAIGN OF 1876—ANTECEDENTS OF THE CAMPAIGN—PRIOR COURSE OF POLITICAL DEBATE—CANDIDACY OF SAMUEL J. TILDEN—GOV. JAMES D. WILLIAMS

In the summer of 1874, being then a resident of Marion County, I was nominated by acclamation in the Democratic county-convention as one of the candidates for the legislature. Having always been of the opinion that a member of our party should not decline a call thus made, I accepted the nomination. The canvass of the county was made in the amplest form. I spoke in all the townships, and twice in each of the city wards. Our whole ticket was successful and I was subsequently chosen speaker of the house.

The house of representatives was a body of somewhat curious composition. From a source of influence unknown, a universal cry of protest, in all parties, had swept over the state against the return of lawyers to the general assembly. There were in the member-

ship of the house not more than ten lawyers, and not more than that number who had seen any former service. I was rather strict in the enforcement of the parliamentary rules; indeed the circumstances required this. The members were nearly all farmers, active and intelligent, strangers, however, to the rules which they had adopted; they became restive under their operation. But this assembly, although so largely composed of one element, did not go to any extremes; its legislation was useful and salutary; we did one thing generally commended. We elected Mr. Joseph E. McDonald to the United States Senate, a gentleman whose superior the state has not seen in that service. The preference of our party for Mr. McDonald had appeared early in the campaign. Mr. Hendricks, then governor, gave him a cordial, active support, and specially congratulated the members of both houses upon a choice so admirable.

It has been the fashion to call these two eminent leaders rivals; they may have been such, but their rivalry was of the most honorable character. The politician who traduced one of these gentlemen to the other invariably lost the confidence of both. They neither formed nor tolerated the existence of factions in their political household. Each sought in his own way to use the talents given to his charge for what he believed to be right and patriotic purposes, and thus honestly to win the respect and regard of his fellow citizens and of mankind.

Mr. McDonald was our leading constitutional jurist.

The federal constitution was the Bible of his political faith and he never contemplated the possibility of its being overthrown or superseded any more than he anticipated the revelation from Heaven of a new gospel. All doctrines, measures and policies he brought, both in letter and spirit, to the test of constitutionality. He had the rare faculty of making the discussion of these subjects on the stump attractive to the people. He was not at all narrow-minded, and did not overlook the fact that there might be two sides to such controversies; he saw and often presented, with singular candor and precision, both sides, but never halted between two opinions; he carefully chose his side, that which his reason and judgment commended, and adhered thereto. He was not without ambition; he cherished aspirations of the highest character, as pure as they were elevated. Public favor he did not undervalue, but yielded not one jot or tittle of principle or opinion to attract or retain it.

The argument made by him at Washington in the case of Bowles and Milligan, against the legality and jurisdiction of the Indianapolis military commission, followed by the decision of the supreme court sustaining every position taken by him, constitutes a perpetual muniment of the liberty of the citizen. His intellectual temperament was a happy compound, in equal parts, of caution and of confidence.

Mr. Hendricks, richly endowed with social as with intellectual qualities, had a mind eminently practical and constructive, definitely devoted to ways and means.

His theory of public action was always accompanied by a formed plan or design and by an advocacy unrivaled in its adaptation to his purpose. The rehabilitation of the South, the just representation of the states in Congress, the preservation of states rights under the constitution, were grand policies espoused by him, which he lived to see carried into execution. During the administration of President Johnson he was the Democratic leader in the Senate, as he was and continued to be the acknowledged champion of that great conservative sentiment, pervading all parts of the country, that brought about the return of the people of the seceded states to their former practical and peaceful relations with the federal government. This result was accomplished against a partizan majority by a minority leader who had upon his side the aid and favor of two associates, truth and justice.

As the presiding officer of the Senate he afterward sat in that historic chamber and beheld the full quorum of all the states present and voting under his parliamentary rule. His philanthropy, his love of mankind and of liberty, kept pace with his statesmanship. Hence his sympathy so often and so eloquently expressed in behalf of the liberal movement in Ireland, and for the French Republic in the days of Thiers and Gambetta, at the time of its earliest inception, when encouragement and recognition were reinforcements to the cause.

At one period in their course during the Civil War these two conspicuous citizens encountered a condition of public opinion somewhat harsh and repellent. The

supporters of the administration then in power took the position that any dissent from its policy was disloyal and that the advocacy of such dissent gave only aid and comfort to the southern Confederacy. This position thus assumed by them was founded upon one truth—that the Union was in danger; and upon one available fiction—that they alone could save, or desired to save it. These two champions of dissent admitted the truth that the Union was in danger, but in every lawful form and manner they controverted the fallacy with which it was accompanied. They were living and acting in a very serious age, a time of rapid transition, of violent changes, of hurried readjustments, of intense activity; they had little leisure for dalliance with doubt, with despondency or indecision. One very obvious trait in the characters of both was faith—faith in their cause and in themselves as its representatives.

It may be granted that this is a trait quite common, yet much herein depends upon quantity. A little faith is a common and little thing, but a belief like theirs, full, large and abounding, is not a small thing,—it is one of the greatest. Armed with this faith they rebuked the spirit of intolerance and fanaticism then so prevalent. They would not be silenced, but insisted upon the right to be heard, until men became willing to listen, anxious to hear once more the language of reason, of justice, of common sense—common sense, the home of the mind, whither after all its wandering it returns at last.

In the time now written of, 1875, in the tenth year after the close of the war, McDonald was senator, Hendricks was governor—facts of brief mention but the summary of a long and troubled history. It was a history of continuous and toilsome political labor without return, seemingly without the chance of requital, of persistent misrepresentation by enemies, of frequent desertion by pretended friends, and of hope ardently cherished in every vicissitude of fortune.

Their election to the high official stations which they now held and adorned, not only answered but refuted the groundless accusations of their adversaries. The people of the state had thus commended their conduct, had in the most public manner recognized their unselfish devotion to the Union and its cause.

Though in quite independent circumstances, neither of these two men was wealthy, in the present meaning of that word, nor cared to be. In prudent husbandry of their resources, in the foresight of taking advantage of opportunity by investment, they were not lacking; yet from a natural bent of heart and mind they absolutely declined to consider the money cult as the chief aim in human existence. To attain excellence in the profession which they had chosen, above and beyond this to instruct the people in the lesson of their rights, to warn the multitude against the encroachments of lawless power—this was their purpose and high resolve.

In the sterile indifference, now so often apparent, to any subject not savoring of profits to accrue, it is

a wholesome and pleasing recollection that there were those in our state that dwelt here and walked the streets of its capital, who renounced the too engrossing pursuit of private fortune and devoted their time, their labor and their very great abilities to the service of the people.

Hendricks and McDonald were both politicians and statesmen of the highest type and character, men of unquestioned personal integrity and honor. They vied with each other in their common support of the organization and constitutional principles of the party of their choice. They were not merely active and prominent in the sunshine of popular favor—in the darkest days of misfortune and disaster they cleaved to their political faith with unshaken courage and fidelity. Both had in their time a great deal of the world's notice, yet more of its abuse and calumny. Conscious of their own rectitude they literally lived down the contumely and proscription of their partizan opponents. They were Democrats in deed—by nature, not merely in name—moved much in the open air of society, mingled with all classes, and knew their brother men by actual and intimate association with them in their most familiar moods, over an exceedingly wide range of conditions. They were not half-hearted in this work. How far the ills of life were aggravated by evil laws, how much they might be cured or amended by good measures,—these were the problems that engaged their most studious thought at home and elsewhere.

They were the acknowledged leaders of the Demo-

cratic minority in Indiana for many years. During that time they encountered a presidential schism in their own ranks, as bitter, acrimonious, and destructive as any that has since occurred. During the same period they passed through the ordeal of the Civil War and its momentous sequel, which brought to the severest test the discretion, prudence and sagacity of those who conducted the counsels of an opposition. Their public canvass of the issues of that day gave tone and direction to the younger members of the organization and to the conduct and utterance of the masses of their adherents. This canvass had in its style no feature of extravagance either in statement or illustration. It was a calm, rational, temperate, yet very earnest exhortation in behalf of their own tenets, accompanied by a measured but intensely aggressive denunciation of certain policies of the majority then dominant. They had no attractive allurements to offer those who followed them, no patronage or places at their disposal. Such a leadership required qualities far superior to those of the presumed but really untried statesman, who has naught to do but trim his sails to the popular gale and be borne onward by the flow of ever-recurring majorities. It is true they were both often defeated; mere success was not the touchstone of their labors. They preferred duty to honors, they chose patriotism rather than place. Their reward was found in the life they led, in the race they ran, not in its prizes.

It was the misfortune of their party and of the country that neither of these gentlemen attained the presi-

dency. They were at different times the chosen favorites for that position of Democratic constituencies who had known and honored them from youth to manhood, thence to mature and ripened age. They were not sudden growths of casual and inconsiderate majorities, but trained veterans in the science and practice of statesmanship. Under the guidance of either we should have had an administration of national affairs, wise, prudent and energetic, of the highest repute at home and abroad, strictly within constitutional limitations and well marked by the purity and simplicity that characterized the best era of our earlier presidents.

Mr. McDonald was succeeded in the Senate by Mr. Benjamin Harrison. No men were ever more contrasted opposites in opinion and policy, yet the link thus made in our senatorial succession was one of the strongest; strong in purity, probity and sincerity. Senator Harrison afterward became president, and Governor Hendricks became vice-president of the United States. Hendricks and Harrison were names of great celebrity in the annals of the state and country long before their recent representatives, so well known in our time, became prominent in public life. The political course both of the earlier and later leaders who bore these names now belongs to history; the policies which they supported or opposed may divide the opinions of posterity as they have divided those of the present and of a former generation.

The fame of the two recent representatives of these names has an extensive field, bounded by no lines of

party, state or country. Their memory is honored not only here but in lands other than their own—in not a few beyond the sea—throughout the world wherever freedom has a friend or home. Both of these, though not needing it, had the prestige of ancestral renown. They were men of such character, genius and capacity, as to have achieved, if they had not inherited, distinction. They have given new luster to names already memorable.

The service in the house as speaker was my third and last term in that body. There are no graver duties and responsibilities of a public nature than those of a membership in the legislature. The general assembly of the state should be not only the school, but the sphere, of the highest and purest statesmanship in the land. My own service was in its period fortunate. It occurred under three different governors—Wright, Willard and Hendricks. They were gentlemen of liberal acquirements, capable of large and extensive designs, thoughtful students of the manifold interests and resources of the state, intimately acquainted with the genius and character of its people; they were stanch, wise and loyal servants of the enlightened constituencies that had chosen them. When the time came, in March, for adjournment, at the close of the special session of 1875, the speaker had regained somewhat of the good will and friendship of his fellow members, yet there had been no sacrifice of parliamentary rules or order for the sake of popularity. The policy of a just and fair enforcement of the rules will,

in any legislative assembly, furnish its own vindication.

About this time I was employed with other counsel in the last case brought in Indiana, or perhaps elsewhere, under the provisions of the Fugitive Slave Law. This action was begun upon the official bond of a former United States marshal of this district against himself and his sureties, for damages in allowing the escape of certain negroes held to service whom he had taken into custody. The negroes had fled from their masters, who lived in Kentucky, had been caught by the marshal in St. Joseph County, near the Michigan state line, and were committed temporarily to the jail at South Bend for safe-keeping; after their committal they broke jail and were never retaken. These events occurred in the winter and early spring of 1861, just before the commencement of the war. There was no question of limitations in the case: the bond in that respect was a valid obligation. The defense might have pleaded that diligence had been used by the marshal in committing the prisoners to the custody of the county jailer, an appointee of the sheriff. We preferred, however, to take the broader ground that before the suit had been commenced slavery had been abolished by constitutional amendment; that the people of the states, acting as lawmakers, had the same power and authority as to rights, as the legislature had concerning remedies, and that a statutory remedy could not be enforced after the constitutional provision upon which it was founded had been annulled and abrogated. This

defense was sustained, and such was the confidence in the correctness of the decision that no appeal was taken. This cause was heard and determined in the federal court at Indianapolis by David Davis and Walter Q. Gresham sitting as judges. Both these gentlemen, after the decision, often spoke to me of the case and of the defense therein. Among the mass of their official business it had received their special attention and dwelt in their remembrance.

Mr. Gresham had not then been long upon the bench. He afterward served as judge in the United States circuit court; as postmaster general, and as secretary of state at Washington. He became an efficient member of two presidential cabinets, being one of those rare characters equally fitted for judicial station and for executive action. During his service in the army he won the personal respect and friendship of General Grant, and was repeatedly promoted for the intrepid discharge of duty in the field. Judge Gresham was a native of Indiana, and in his early life a resident of Corydon, our former capital.

Mr. David Davis was at this time one of the justices of the supreme court of the United States, and a very eminent member of that body. He resided at Bloomington, Illinois, and came regularly once a year to hold a term at Indianapolis, until his election to the Senate and consequent retirement from the bench. His annual appearance among us was a personal reminder we do not now have of the existence and jurisdiction of our highest legal tribunal.

The anti-slavery agitation of the last century in this country had a much earlier origin, but it first began to assume large partizan proportions in the period extending from 1848 to 1856. After this latter date the old political division of Whig and Democrat, which had before pervaded the whole Union, almost disappeared. The dominant parties in the several states North and South were divided upon strictly geographical lines.

I recollect very well hearing Governor Willard make the remark, shortly after his election in 1856, that we had beaten the Whigs and Native Americans—they would never appear again; that we had not been thus far much aided or injured by the free-soil element; yet a still harder struggle was approaching. It seemed almost impossible to convince the present generation of voters that they were bound by the constitutional covenants concerning slavery and that they ought to stand by them.

This was a just forecast of political conditions in 1860. The generation of voters of that time, both in the North and South, declined to be bound by the terms of the national compact upon that subject. In one section they demanded greater and further guaranties, in the other they protested against those already existing.

There was in the northern states a feeling larger than that of any party, somewhat indefinite as to its purpose, but of irrepressible force—a genuine expression of popular opinion, that slavery was incompatible

with the genius of free American commonwealths, and that it should not receive further federal support or recognition.

From 1856 to 1866, for ten years, political discussion upon the stump was almost wholly engrossed by this subject. During this whole decade the Democratic party of the North continued to stand by and to uphold what were known as the compromises of the constitution. The opposition party in the northern states proclaimed, notably in Indiana, the gospel of freedom, free soil, free speech, and free men. It was a noble theme, yet its proclamation was accompanied with much admixture of uncharitableness and error in its course and consequences. It was styled the cause of Heaven, though it received some blemish from the imperfect and infirm human agencies employed in its service.

The Democratic party in the North stood upon its traditional platform. That party had long before, and has often since, manifested its signal fidelity to our constitutional covenants. It has ever said: What is written is written: let us obey the law as it is until it be changed in lawful manner. One of its oldest maxims, well worthy even now of repetition was: "A strict construction of the constitution and no assumption of doubtful powers." Pledged by manifold engagements to the maintenance of these constitutional covenants, the party made no desertion—it kept its promise to its hurt—until in the North every state and a large majority of the congressional districts were en-

rolled with the opposition. The northern Democracy thus acting did not favor the institution of slavery as such; they were not averse to emancipation, but they were opposed to the method or manner in which this great reform was accomplished.

Often they recurred to the example and action of our own people, who had at first in all the states recognized and practised slavery, but had afterward gradually extinguished it, and had in the same manner, after the lapse of certain years, enfranchised these former slaves, so that in several of the states the free negro or his descendants voted at elections before the time of our Civil War. It was at that time, and may be even now, quite difficult to show what there was in the character or history of the African race that warranted so startling and sudden an acquisition by them of the two magnificent gifts of personal liberty and the elective franchise. For although the late constitutional amendments in their behalf were the result of deliberate and fully considered legislation, yet in their effects they were instantaneous. On the first day of this new creation four millions of slaves were set free; on the second day, so to speak, hundreds of thousands of these freedmen were made full citizens and voters.

This careless haste, this swift and hurried transformation, was even a gross injustice to the beneficiaries of the change, since it threw upon them the responsibilities of citizenship without any training or preparation therefor. It was a method of procedure as unnecessary as it was unprecedented, but it pre-

ailed. The protestations of the minority were unheeded, the amendments were submitted and adopted.

After these events came the era of transition, the passing from the old order of things to the new,—a time when the evils that caused this reformation were no longer feared or felt, but those caused by it became near and apparent. The whole course of political debate thereupon shifted to other themes—those of reconstruction and of federal legislation touching the conduct of elections in the several states. The party of the minority advocated the enfranchisement of the white constituencies of the South; they denounced the imperial reign of larceny during the dynasty of the Carpet-bagger; they deplored the mischief, not yet all removed, of the ill-advised haste and precipitancy of this reform. They openly announced as a prudential rule in the actual conduct of public affairs, that there was such a thing as doing a righteous act in a wrong manner, and the people began to give credence more and more to these utterances. Although the two principal parties in the northern states mutually charged each other with lack of sincerity and good faith in their action, yet as bearing upon this accusation it is to be noted that the Republican party for many years enjoyed all the offices, honors, profits, and emoluments of public employment.

A political organization which had conducted and administered the affairs of the government in a juncture of such moment as the Civil War might well presume from motives of national gratitude upon a pro-

longed and unbroken term of ascendancy; that their ascendancy became so soon infirm and decayed, could only have been caused by their own shortcomings and misrule. The profession of political faith made by a party in power, closely identified with pay and patronage, must be well buttressed by its works and must have an exceedingly lofty vantage ground to brook its contrast with an opposition upheld by the unpaid and disinterested devotion of its followers. Very gradually after 1866 the voters of Indiana commenced to perceive and draw this contrast; our adversaries were the losers. In 1870, in '72 and in '74, there were manifold evidences, here and elsewhere, of a reaction against the administration. The silence, partly enforced and partly self-imposed during the war, touching certain topics, was now broken; these issues became really debatable; all men joined in the discussion, and this was not to the advantage of the party in power.

It was in the course of these controversies and toward their close that Samuel J. Tilden made his memorable campaign for the presidency. The balloting and returns of the several electoral colleges made in December following the presidential election held in November, 1876, were questionable and undecisive. Both parties awaited in grave suspense the result. Against the advice of many of his friends and supporters, despite the vehement protest and remonstrance of others, with a magnanimity seldom found in the history of republics, ancient or modern, the great statesman of New York voluntarily surrendered his

right to a congressional count and canvass of the vote, submitted his claims to a tribunal composed of a majority of his political opponents, and accepted in unbroken silence their adverse award.

The whole country had been for months in a disturbed condition, within appreciable distance of civil discord and commotion, menaced by the perilous question of a disputed succession. By his calm controlling wisdom and deliberate self-renunciation, these portentous troubles were assuaged and averted. We have been taught by the Divine Master that they who do their duty as commanded are servants—yet only unprofitable servants. To the citizen and the patriot duties come by the way which are not enjoined by any law or commandment; it is in the performance of these that real greatness of character is made manifest. Mr. Tilden's unconditional assent to the arbitrament of a question of such importance to his party and himself is a noble example for our future guidance; the name and fame thereof have not ceased to this day. Few even of our presidents have rendered greater service to the Republic, or have earned such commemoration as is due to this lofty precedent.

The result most satisfactory to the Democratic party of the state in the campaign of 1876 was the election of Mr. James D. Williams to the governorship. A resident of the oldest county in the state, Mr. Williams was a genuine type of our earlier pioneers, the last of that stalwart race to be so highly honored by his fellow citizens. He was, and continued to be, a farmer, and

had by his own unaided efforts accumulated a competency, the fruit of his labor, thrift and prudence. For eleven sessions, twenty-two years, prior to his election to the chief magistracy, he had served either as a representative or senator from the county of Knox, and was thus closely identified with the course of our public affairs. His acquaintance with the history of current legislation in the state was precise and accurate. As to why certain words were used in the preamble of an act, why a proviso or exception was inserted, as to the reason for a subsequent repeal or amendment, his information surpassed that of most members of the bar. His executive talents had been exercised by prolonged service on the local boards of his county and township. More than any man in public life he was the natural product, the home-growth of our own laws and institutions. He was thus qualified, in no ordinary manner, for the discharge of the highest official duties. The honors which he won and wore were not unmerited. The long record of his public services was without spot or blemish.

CHAPTER FIFTEEN

REVISION OF THE STATUTES OF INDIANA, 1879—JAMES S. FRAZER—COUNTY AND TOWNSHIP GOVERNMENT—CAMPAIGN OF 1880—WILLIAM H. ENGLISH—WILLIAM S. HOLMAN—DISAPPEARANCE OF ANCIENT CUSTOMS AND INSTITUTIONS—EXIT OF THE CAMP-MEETING AND JOINT DISCUSSION

On the sixteenth day of April, 1879, the supreme court of our state appointed three commissioners to make a revision of the statutes and to compile those then in force. The three persons so appointed were James S. Frazer, of Warsaw, John H. Stotsenburg, of New Albany, and David Turpie, of Indianapolis, who were also commissioned by the governor.

James S. Frazer was chosen president of the commission. He had served as judge of the supreme court, and was a gentleman of great legal erudition, a jurist of broad culture and of established repute and character. Under the administration of President Grant he had acted at Washington as a member of the International Commission and stood high in the estimation of Hamilton Fish, the secretary of state at that time, who spoke in the warmest terms of commendation of Mr. Frazer, as one who united in his

character the best traits of the statesman and the diplomatist. The secretary sometimes expressed to others, in his courtly manner, surprise that a man so skilful in affairs had been reared and educated in the West.

Mr. Frazer was what might be called a charter member of the Republican party, one of its earliest adherents; had been moreover a constant, active friend and trusted counselor of Oliver P. Morton's—one of the very few men in our state who was quite free and independent in his intercourse with that formidable leader; one who could and did, upon occasion, withstand and rebuke him to his face, and yet retain his confidence and friendship.

Our labors required three years for their completion. The revision made by us is usually called that of 1881, because in that year it was adopted and approved by the general assembly, but it was not finished and published until 1882, as will be seen by the date of the copyright which the revisors took for the use and benefit of the state. We remained in charge of, and in close touch with, the work up to the printing of the last page; for where the placing of a comma or semicolon may concern the interpretation of a public enactment, the most careful supervision of the proof is constantly required.

The first official revision of the statutes of the state was adopted by the legislature of 1823-'24, and was the work of a single revisor, Benjamin Parke, an eminent member of the bar of southern Indiana. He had

been for several years, prior to 1808, a delegate in Congress; he afterward served as one of the territorial judges, and became, upon the admission of Indiana into the Union, the first United States district judge of the state. The revision of Mr. Parke has now become a somewhat rare volume.

Of course any revision of the laws must in time become inadequate. It will contain many sections subsequently repealed or amended, others held invalid, and of necessity it must be lacking in all the legislation enacted after its adoption. It has sometimes been suggested that a continuous compilation of the laws as soon and as fast as they are published might supersede revision. But a volume thus compiled would not at all show how the new legislation affected the old or how either had been affected by judicial decision. The duty and province of revision have in themselves a distinct importance.

Although our statutory revisions have been made carefully and accurately, yet it is the safer practice in such work, in every instance, to examine the title and text of the original act. The last official revision had been made in 1852, thirty years before. We had little trouble in finding the volumes containing former revisions for use and reference, but had considerable difficulty in finding the full series of the state and territorial laws—the session-acts—though these had all been passed and published within a century,—so rapidly is this sort of history made and lost. We found them all at last, but not in the archives of the capitol, and not

in any one library or collection; several of them were in the hands of private citizens. Every assistance was given us by the judges and members of the bar throughout the state, and toward the close of our labors Mr. Albert G. Porter, then governor, who was a learned and capable lawyer, took an active and friendly interest in the revision and was indeed himself well qualified to engage in such service.

We were not merely compilers, we were authorized to suggest amendments to existing laws, and to draft forms of new enactments to be reported and submitted to the general assembly for their consideration. Frequently we acted upon this authority, notably in the case of the general drainage act of 1881, prepared and presented by our president, Mr. Frazer, which became a law, and has been the basis of all later legislation upon that subject.

The members of our commission had been reading some account of the system of plural voting and minority representation, then being put into partial operation in the neighboring state of Illinois and elsewhere. We thought it a favorable time to suggest some trial of the new system in Indiana, and particularly in the election of the board of county commissioners. Accordingly we prepared some outlines of a law for that purpose, giving to each voter three votes for county commissioner and providing that he might divide them or cast them altogether for one candidate, so as to secure in every county one commissioner of the minority political party. At first this method seemed

to meet a somewhat favorable reception, by the committee of the two houses upon revision, to which our suggestions were always referred; but it was finally rejected and did not reach the legislature for their action. The causes of the rejection were not known; they could hardly have been of a partizan nature. It is true that under such a law a Republican commissioner would have been elected in Allen County, but a Democratic member of the board would have been chosen in Wayne; the consequent political losses and gains in the state in this respect would have been nearly equal.

My friend, Mr. Joseph E. McDonald, used to say in jesting mood, that the powers not granted to Congress by the federal constitution and those not given to the legislature by that of the state, might all be found vested in the Board of County Commissioners. An examination of the transactions of our ninety-two boards, disclosed from time to time by the recorded decisions of the supreme court, especially with regard to the jurisdiction of subject matters, often assumed and not seldom denied, might afford some ground for this opinion. Such course of action has been mainly due to the fact that the members of this tribunal have not usually been of the class of persons known as learned in the law. The people seemed to determine from a very early time that the members of the county Board should be taken from their own number without other qualifications than those of integrity and ordinary business capacity. They have

also determined, although the functions of this office, as far as mental and physical labor are concerned, might be as susceptible of performance by one person as by three, that these functions shall be intrusted to that number or a majority thereof. And such is the tenacity with which they have held to this triple form of administration that no statesman of any party has ventured thus far to suggest a change. This is the more remarkable because, although the triple feature of the Board has the precedent of long established usage and law, it lacks the sanction of constitutional ordinance. The general assembly may at any time increase or diminish its membership, or lawfully abolish the county Board altogether, and institute a new tribunal for the discharge of its duties.

County government in this country is very old—much older than that of the state or the United States. County government is older than that of the colonies, having come from the home of the forefathers in England, where it had existed in some form at least since the days of King Alfred. Our supreme court has often decided that in contemplation of law the Board of County Commissioners is the county. In the olden time, under the feudal system, the count was the county. He held his court in the hall of his castle; there sat with him certain persons who were called assessors, but they were his own appointees and servants. The count not only held but was the county court. This court had jurisdiction such as the county board has to-day, and thus the count had in his own

person absolute control of local taxes and assessments, of roads, highways, bridges, ferries, drains, dikes and ditches—all the public business of the shire of this character. He was at the same time the military commander and lord paramount within the county; all the people living in it were, under some form of tenure, his dependents. The consequence of such rule by such a ruler was that whenever a wealthy citizen or an inferior knight or liegeman incurred, for any reason, the count's displeasure, he was ordered to build a bridge or a league or two of pike road, or a drain or dike at his own charge, and the order was enforced. Upon others in like disfavor, the count's court levied a special fine, or doubled their assessment; and whenever the count's treasury became depleted he replenished it by a levy at will upon the whole mass of his vassals. From these arbitrary rates and levies there was no relief or appeal.

It was to procure the remission of some such harsh exaction that the noble Lady Godiva made her ride—almost as famous as that of Sheridan or Paul Revere.

This system of county government lasted for many generations. A people accustomed to tyranny may acquire the habit of servitude. However, a period at length arrived when these evils became insufferable, and long before the first settlement of New England or Virginia the Crown and the Parliament were compelled to interfere to preserve peace in the country. The first thing they did was to abolish the count's court; they left him his title, that of count or earl,

but they stripped him of his former powers and jurisdiction; did not appoint any one man as his successor. These powers and duties since that time have been committed to boards or commissions, and this radical change in the system of county government, coming over the seas with the Pilgrim Fathers and the Cavaliers, has had a permanent place in the polity of our colonies and states.

In the government of the county there has been at all times this unique feature—a plural executive. If we conceive the notion of electing three governors of Indiana, or three presidents of the Republic, we may observe what a singular anomaly exists in our county government; and we may also have some perception of that prolonged traditional hatred, due to the misrule of centuries, which has led the people in the administration of these affairs never to trust the action of a sole executive. This inveterate and traditional jealousy of the people respecting the management of the local public business of the county has recently undergone a new development in the legislation of Indiana. Under the provisions of a late enactment, a county council has been appointed to supervise and control the action of the commissioners in the matter of money appropriations. This may be a valuable improvement, yet the choice of members of the Board by the method of plural voting might also be an additional and salutary check upon the prerogative of our county rulers, if the present system is to be continued.

In respect to township government we received no

suggestion of amendments and made none. Of the four species of our local or domestic government that of the township is the most settled and stable in its character; that of the county is next to it in this particular; those of the town and city seem yet to be in a somewhat plastic and formative condition. The constitution of 1850, following that of 1816, took little notice of the government of the township. It is recognized in our present constitution, but merely with the provision that its officers shall be elected or appointed in such manner as the law may direct. Thus there is no guaranty of even the elementary form of free government in the township.

The colonies before the Revolution, and many of the states for years afterward, held no elections for township or even county officers. Officers of the county, sheriffs, magistrates, and others, were appointed by the governor or the legislature; the county Board of Justices appointed the township officers. This was local government in a sense, but not local self-government. It required some lapse of time and some continuous agitation to strip the central authority at the state capital of this extensive system of power and patronage. That there should ever be a recurrence to these ancient methods may be deemed quite improbable. Yet at this day the election of our township officers depends wholly on statute. The legislature might legally enact that the trustees should all be appointed by the governor or by the county clerk, that they should hold office during life or for ten

years. Notwithstanding the confidence hitherto reposed in our lawmakers it might be preferable to adopt a constitutional amendment prescribing that the principal officer of the township shall be elected by the people and fixing the length of his term. This would add permanency and stability to a system well worthy of these.

Prior to the revision of 1852, which dates the commencement of the present method of township government, the chief officer of the township was the inspector of elections. The duties now devolving upon the trustee were performed by others.

I once heard Governor Wright, in addressing one of the early agricultural meetings, say in his earnest, startling manner: "Gentlemen, when you have an honest, bright, active man in your neighborhood, do not send him to Congress or to the legislature; make him your township trustee; keep your best talents for home use." He did not regard our local government as of small moment.

Actual local self-government is one of the chief bulwarks of civil liberty—of that liberty which, like charity, begins at home, and when lost at home is seldom found elsewhere.

After the defeat of the Democratic party in 1880, there was an unusual amount of criticism among our own people touching the conduct and management of the campaign.

Mr. William H. English, eminent before this time

for distinguished service in high public employments, had been our candidate for vice-president, and had at the same time acted as chairman of the state central committee in the canvass just closed. He was a gentleman of much experience, of ripe judgment and discretion, of reticence when needed, and yet of a manner quite felicitous as a speaker, when he chose to engage in that exercise. He was a man of great wealth, of worth yet greater. His work in literature, the *Conquest of the Northwest*, has already taken a first place among western classics. Mr. Hendricks, Mr. McDonald, and a large corps of our ablest speakers, had taken part in the contest. We had made a losing race; the murmurs of our party friends and associates were still heard and repeated.

Members of a party in success are prone to overestimate the merits of leadership; in adversity, to decry and undervalue them, although these merits are quite as often shown in the one case as the other.

When, in the way of reflection, we calmly consider, from a partizan standpoint, the geographical position of Indiana, its boundaries on three sides, nearly always hostile to Democratic success; that there has been little immigration from the South for the last forty years, save that which crosses the Ohio River from Kentucky, usually of an adverse political complexion; that within the same period there has been a constantly increasing migration from Republican communities of the eastern and northern states—it may be matter of

some surprise that we have so often been successful in Indiana rather than that we have been sometimes defeated.

In examining the annals of the last half-century touching high political preferments, it will be seen that the Democratic party has had more than an equal proportion of such positions. My late colleague, Mr. Daniel W. Voorhees, served nearly twenty years in the Senate. Oliver P. Morton served a long term as governor; but Joseph A. Wright, a Democrat, served as governor yet longer. In the congressional delegation of the house, not to mention others, we have had Holman, Niblack, and Kerr, three men not surpassed either in length of service or honors therein attained.

Mr. William S. Holman, like English, Niblack and Gresham, statesmen of national reputation, was a native of Indiana. He was twenty times a candidate for Congress, twice beaten for nomination, four times beaten for election, and sixteen times nominated and elected. At the time of his death he was in the thirty-first year of his service. Without and beyond question it must be taken for granted, in a state so closely contested as ours, that length of service is a crucial test and proof of ability and integrity in a public servant thus honored. It must also be recollected that Mr. Holman's constituencies were frequently changed by adverse partizan legislation; that there was no change in his own party affiliations; that as a Democrat he began and as such finished his public

life. His was, moreover, as active, thorough, and availing service in conference, in committee work, and in the most exciting debates of his time. For him there is no parallel. There is, or was, a position in the English Established Church; the incumbent of which was called the Perpetual Curate. Mr. Holman might deservedly be called, for Indiana, the Perpetual Congressman.

It is thus shown by the record that the charge of lack of management or of incapacity in the Democratic canvass of our state is groundless. There have been many and long intervals of opposition rule; but such occurrences need not in the least degree affect one who believes in the principles of the Democratic cause. There is no power in time or numbers to transform error into truth. A decent respect for the opinion of an adverse majority may be entertained, but to make this a rule of action is a thing quite different.

To the observer of changes in the customs and manners of the people, the campaign of 1880 is chiefly memorable as the last in which the opposing candidates for governor were engaged in a regular series of joint discussions. By this time the railroads in our state had greatly multiplied, traversing the country in all directions, and these joint meetings of Mr. Porter and Mr. Landers were ordinarily held at some railroad center. Although I bore a full part in the canvass of '80, yet I found time to attend one or two of these joint appointments, and sympathized very much

both with the speakers and their hearers. They were embarrassed from day to day by these methods of travel.

Whoever has had the duty assigned him of addressing, for any purpose, a large audience assembled by rail, in the open air, within sight and sound of passing trains, has learned the difficulty of such a task. The speaker, as we will suppose, has swung loose from his exordium and is about to enter upon the main discussion of his theme, when the locomotive whistle is heard, followed by the rumbling noise of the approaching cars. The whole audience turns about to look at the train. When the cars have stopped or disappeared in the distance, the audience turn their faces and attention toward the speaker's stand. They have been engaged long enough elsewhere to forget all that he has said, and take but an indifferent interest in what he may further have to tell them. All are in the attitude of waiting—of expectation, not as to the speech, but concerning the next coming train. It is a sorry attitude for a public canvasser,—the least suitable for the consideration of any subject, secular or sacred.

At last the train arrives, it is car-time for one whole section of the crowd in attendance; they leave in a body. Then follows a second train-call and another departure. A third portion of the audience yet remains, as their cars have not yet come; out of sheer necessity they wait, sit with sad civility to hear the speaker's peroration, and hurriedly leave the ground at the first signal for a stop.

It is quite evident that a meeting held for hearing a well reasoned and connected argument, particularly a joint discussion, intended to be weighed and pondered in all its parts, is under these conditions useless and unprofitable. All political parties have been impelled to abandon such assemblies, as nearly all our churches have abandoned the ancient custom of assembling in large numbers in the open air for public worship. It is true there yet exists among us an institution called the camp-meeting, whose campers live in adjacent cottages and attend services in an auditorium, roofed, floored and seated like the church at home. The good brother from the back settlement with his team, his covered wagon and his coffee-fire, would be somewhat at a loss to find a place under the new dispensation. It is said these modern methods are much more comfortable. The old-fashioned camp-meeting was not devoid of comfort, or of happiness, or of outspoken joy. It is not intended to affirm that the new manner of holding either religious or political mass-meetings is inferior to the old, but plainly to mark the differences between them and to trace the causes which have induced these changes of method.

When people now go in large numbers a journey of miles, to hold a meeting for any purpose in the open air, they go by rail, without any further object, for the most part, than to enjoy the trip. The spectacular part of such a program far excels in attraction that of the theater or opera, since the whole audience take part in it—the free ride or excursion dominates all other

considerations. Without any suggestion that the usages of the present are merely causeless innovations, without any disparagement of the future, it is easily apprehended that the system of steam transportation is directly responsible for the disappearance of two of our most ancient institutions—the camp-meeting and the joint discussion.

This new system of travel is called preëminently the time-saver. Yet we have not the time to hold the three-days' or ten days' mass-meetings of our forefathers for any purpose as they held them; we have in some way surrendered the power which they had of controlling the period of the attendance or adjournment of such popular assemblies; steam, that errant daughter of the flood and flame, has encroached upon this. Thus one might curiously inquire, What has become of the time thus saved? not without the hope that the ages yet to be may better utilize this vast economy of time; that labor and leisure may both be more justly apportioned, adding ever greater stores to the sum of human happiness.

CHAPTER SIXTEEN

FOURTH OF JULY, 1881—ASSASSINATION OF PRESIDENT GARFIELD—INDEPENDENCE DAY AT KENTLAND—THE DECLARATION AND ORDINANCE OF 1787—ARTICLES OF COMPACT—THE CENTENNIAL OF 1916—RURAL AND CITY GOVERNMENT—INTERNAL GROWTH AND DEVELOPMENT OF THE STATE—CAMPAIGN OF 1886—THE OFF YEAR—SENATORIAL ELECTION OF 1887—THE DEPENDENT PENSION BILL

For thirty years I made addresses at different places in our state on the Fourth of July. These celebrations were always enjoyable, and it is somewhat singular that their observance is not more general. This anniversary is celebrated by Americans abroad, in whatever part of the world they may be sojourning, although its commemoration has in a partial degree ceased at home.

I had been invited some weeks in advance to address the people at Kentland on the Fourth of July, 1881. President Garfield, it will be remembered, was shot by an assassin at Washington just two days before. The first despatches, however, in relation to this tragic occurrence, stated that, although the president was seriously wounded, he was not fatally injured and

that he would recover. I took the train at Indianapolis for Kentland on the morning of the third, but the news reached us on the way that the president had suffered a relapse; later, that he was growing worse, was rapidly sinking; and by the time of our arrival at the place, that he was dying. Great excitement prevailed among the people of the town and surrounding country. The gentlemen in charge of the arrangements for the celebration were in a condition of grave embarrassment. Upon the afternoon of the third they had gone so far as to take down some of the usual decorations on the main stand, and were preparing to replace them with the sable emblems of mourning. During the night of the third there came a contradiction of these unfavorable reports; on the morning of the Fourth of July the despatches were reassuring, and at noon, just before the exercises began, the intelligence was all of the most hopeful and cheerful character.

When the hour came for the delivery of the address, I abandoned the usual course of historic and discursive presentation of the theme proper to the day, and took as a text for my remarks the maxim that the president never dies. At the same time a review was made of the character and public career of President Garfield; of the peril which now threatened him, and of the two alternatives: that of his recovery, so fervently wished and devoutly prayed for, and that of his death, afterward so widely and sincerely lamented.

There was a very large number in attendance, attracted by the rapidly changing and somewhat con-

fused reports relating to the tragedy at Washington. When, during the exercises, a despatch was received touching the condition of the wounded sufferer at the White House, the order of the day was interrupted, and the whole audience rose and stood in silence while it was read from the stand. The meeting, in view of the trying circumstances under which it was held, passed off well; people dispersed to their several homes full of hope for the restoration of the president's health.

The maxim above cited, concerning the death of the president, in its application to our form of republic, is a reality. Elsewhere in the world there have often occurred civil wars, bloody and disastrous, concerning the succession to the supreme authority upon the death of the chief ruler, waged by hostile rival claimants upon some disputed question of kinship or inheritance. In the United States the constitution first, and then the law, upon the death of the chief executive, designates in the clearest terms his successor; and this is done to the extent of several persons who may successively become vested with the powers and duties of the presidency; so that no matter how sudden or unexpected may be the demise of the person acting as president, there can be no vacancy. And since our legislation upon this subject justly designates, in every instance, a person as successor who is officially known to be a member of the same political party as the president last elected, there is no change even in the policy or measures of the administration until the people, at an

ensuing presidential election, shall indicate a desire for such change.

Instances have occurred once or twice in our history when a change of policy has taken place under such circumstances, but these were not due simply to the incident of the demise of the former president, but to some modification of conduct or opinion in the new incumbent.

In the earlier celebrations of our national anniversary it was the custom sometimes, immediately after the reading of the Declaration of Independence, to read also that part of the ordinance of 1787, known as the Articles of Compact. These articles are brief, but are very closely connected with the fortunes of our people as a state, and their perusal was regarded as quite appropriate to the occasion.

The ordinance of 1787 was the first law of the United States under which our people lived. Besides the usual regulations pertinent to the conduct of civil government, it contained in the Articles of Compact, declared in terms to be forever unalterable, certain provisions unknown before in the legislation of that age and of far-reaching consequence.

One of these was the conservancy for public use of all navigable streams and their portages, declaring them to be common highways for ever. Another was the forbidding of involuntary servitude except for crime. This was the first prohibition of slavery made by the American Congress, as it was the first made by any national legislative assembly in the world. For

this enactment was of the eighteenth, not of the nineteenth, century, and was made before any European government had taken action in behalf of this reform. It is a proof of the inadequacy of mere legislation that, notwithstanding this inhibition, African slavery existed in southern Indiana during the whole period of the territorial government, and in a few instances, even under our first years of statehood, until the supreme court expressly decided that, by the terms of the ordinance, slaves could not here be held to service. Then the institution disappeared. Its practice in the primitive times of early migration and settlement, when the slave accompanied his master in his removal hither from the older states, was doubtless connived at by those in authority, although the majority of our people had often and earnestly expressed their adherence to the prohibitory law of Congress upon this subject.

Another section in these Articles of Compact provides in imperative language for the perpetual maintenance of schools and the means of education. Congress and the state have both kept faith with the terms of this covenant, not only by laws favorable to its fulfilment, but by the most liberal and generous donations and endowments for the support of common schools. What might have been regarded in this ancient article of compact as a mere expression of ideal sentiment, humane and kindly, far in advance of the time of its enactment, has become with us a very practical reality, and has resulted in the accumulation of a fund sacredly devoted to the education of the young,

exceeding in value the wealthiest university foundations. . •

In the approaching centennial of Indiana, to be celebrated in 1916, it would not be amiss, rather it would be altogether fitting and appropriate, to read as a part of the ceremonial the act providing for the admission of the state into the Union, and with it the Articles of Compact in the ordinance of 1787. These two celebrated state papers are nearly akin. The admissory act refers in explicit terms to the ordinance, and enjoins that the constitution of the new state shall conform to its requirements. Such a public use of these papers would show clearly what engagements our fathers entered into when they became inhabitants of the land; and we might learn in this manner how many of these covenants we have kept, and which of them we have forgotten or disregarded.

The spirit of modern improvement seems to cavil at the provisions concerning navigable rivers, and is disposed to treat these streams as private property. The title and ownership of the easement in these waters are by the terms of the compact vested in the public, that is, in the people, for one purpose—their use as public highways for ever. This title is inalienable and perpetual. No legislation at Indianapolis or Washington can defeat it, sell or transfer it, or rightfully authorize disturbance of or interference with its declared use and purpose. A constitutional renunciation of this grant by the people might work its defeasance. We may regret its loss, never its preservation. That

kind of so-called modern progress founded upon the extinction of the rights of the people in any of their franchises, made under whatever pretext, ends always in mischiefs unforeseen and often irreparable.

That part of the ordinance touching the surrender of fugitive slaves has now become inoperative; even during the recognized existence of slavery it was seldom complied with. The portion of the ordinance relating to our intercourse with the Indian tribes, drafted with much care and circumspection, in the letter and spirit of the most benign regard for their rights and interests, has been too often ruthlessly violated.

The Indians were mighty hunters, but were themselves the hunted game of the border for many years. Possessed of lands and other property, whereof they knew neither the use nor the value, and incessantly pursued by the wily craft of the white trader, very few of them stood at bay or escaped his enticements. The genius of our civilization may not repent, but once in a hundred years it may perhaps afford to cast a glance in retrospect, not always in approval, at the result of its own action.

Our remote posterity, in recurring to the first century of our history as a district territory and state, will not fail to observe that the legislation and institutions of that period are clearly marked and deeply impressed by the discriminations made between the several portions of the original compact—as much by those we evaded as by those we observed.

The region of the country now called Indiana, in

the eighteenth century, with its hardy backwoodsmen and hunters, its groups of rugged boatmen who navigated the creeks and rivers, and its shrewd trading adventurers, dealing both with whites and Indians in the sparsely scattered villages and hamlets, differed very much from the present state. Nor does this bear much resemblance to a still later period, when Governor Harrison laid out and platted the town of Corydon, in 1808, three years before the battle of Tippecanoe; when he used to travel from his barn and mill on Blue River, by a bridle-path blazed through the woods, to our ancient capital, the Old Post on the Wabash at Vincennes; or when Judge Parke made the journey, to hold his first court, through a country where the tracks of the Indian moccasin had yet scarcely disappeared.

Still among all the changes and vicissitudes of more than a century the principal features of our internal policy are directly traceable to the ordinance. The contemporaries of Governors Harrison and Posey, like those of their successors, Jennings and the elder Hendricks, kept the weightier matters of the fundamental law of Congress in lively remembrance, though in other things they may have been somewhat remiss. Preoccupied by questions and interests of pressing importance, our ancient lawgivers took no measures to preserve for their use the fish, the game, or the forest. Those, however, who would now chide them for this neglect might as well upbraid them for not having held a city flower festival in the haw-patch or pigeon-roost

of a hundred years ago. As was long since observed by that prince of peasants, Sancho Panza, some people are always wanting better bread than can be made from wheat. The same class of persons to-day, with eyes intently fixed upon the joints in the pavements and the street crossings, walk all the way around the Circle without seeing the Monument.

The framers of the ordinance of 1787 seem to have contemplated, and in good faith provided for, a peaceable and somewhat permanent joint occupancy of the territory by the white settlers and the aboriginal tribes as friends and neighbors. The multitudinous advent of land-seekers and home-makers frustrated this primitive policy; its enforcement, even its existence, became impossible. To the same cause is doubtless due our early non-observance of some other precepts of this ancient code—precepts which we now look upon with surprise, even perhaps with aversion.

We are in some respects wiser than our fathers, as our descendants may be wiser than ourselves; yet this will not justify our posterity in the attempt to disparage the wisdom of to-day, or that of yesterday, however far removed. The ordinance of July thirteenth, 1787, viewed with reference to the period of its enactment, was a measure of statesmanship, wise, timely and beneficent.

This recurrence to the past is in full accord with a sentiment always existing among us, at some times more manifest than at others. The character of the people of Indiana has been from the beginning con-

servative, especially marked by the spirit of genuine autonomy and innate independence. Their advancement has been during the last century notable; they have never been opposed to progress, but have more than once repelled certain methods of progress, glittering and of high promise, which have been elsewhere suddenly adopted and as suddenly abandoned. They have adhered to our primitive methods, enhanced and self-developed, in every department of industry, of public legislation, of common schools and of collegiate instruction.

Both of our state constitutions, that of 1816 and 1850, are closely patterned, in the bill of rights and other fundamental provisions, upon the ordinance of 1787. Even in such an important matter of detail as the law of descent and inheritance, our statutes to-day follow the letter of the ordinance; there have been some additions and amendments, but at no time has there been any departure therefrom; the main principles of the early legislation upon this subject are unchanged.

This conservatism is peculiarly to be noted in our action touching certain subjects upon which public opinion seems to be now almost unanimous. Our state never enacted any measures in the form of law against the Fugitive Slave Act. We forbade by constitutional ordinance the migration and settlement here of free persons of color; we deprived the negro of the ballot, and for a long period excluded his testimony as a witness. Other states very near, even some of those

adjoining us, adopted, as to these things, a very different policy; but this at the time had no effect upon our course. Our policy remained the same until the nation at large, by the adoption of amendments to the federal constitution, made a change necessary and inevitable.

Our universities and colleges, those unfailing indications of local characteristics, are thoroughly identified with the places, the sites within our borders, where they were founded. In several instances they are closely connected in their origin with the old county seminary, and succeeded to the use of its buildings and endowment. They are local centers, well distributed, of advanced learning, and in their several spheres are wholly autonomous, self-dependent. They have never been congested into one mass, or centralized under a single rule or influence; and therein are choice types of the people who have given them their patronage and support. Our people readily recognize the truth of the adage, In union there is strength; but they apply it only to the physical force or political power of numbers. In the thrift and development of the intellectual faculties of mankind, unity or uniformity is often subversive of the object it would seek to promote.

There is no state as large as ours that has been so slightly affected by the disturbing forces of external or secondary agencies. This has been owing to the preponderance of the agricultural interests, which, from the beginning, have engaged the attention of the largest number of our population, and have been in

no way neutralized or overshadowed by the influx of foreign migration, or by the existence of very populous cities within our boundaries.

Notwithstanding the manifold increase of commerce, manufactures and mining, the state at large may yet properly be described as a farm or plantation, occupied by many thousands of independent proprietors employed in the tillage of the soil.

The farmer is everywhere much concerned about the tract of land he lives on, not only as being his property, but as being the home of himself and his family. He is impelled to think often and seriously about the condition of the schools, roads, bridges and ditches, and of the railway stations and crossings in his vicinity. His interest in these things is not wholly selfish; he is not at all devoid of public spirit. He is much more concerned about the welfare of his neighborhood and the affairs of his township, with its numerous subdivisions, than the resident of a city is usually found to be in the affairs of his ward. He may entertain a reasonable amount of admiration for his senator or congressman, but he thinks a great deal more about the action of the township trustee, the road supervisor, the school-teacher and his assistants, than that of other officials. His neighbors and himself control the election of the ruling officers in the township government, and demand of them a strict and faithful administration of the law; and unless the demand be complied with, the incumbent loses his official position. The effect is manifest in the

superior management of the rural township government. The agricultural element in the administration of its local affairs may not do all things in the best manner, but it does many more things in a better manner than the ordinary municipality. The reason of this is to be found, not so much in the conduct of the rulers as of the ruled.

Of course it may be said that there are great difficulties peculiar to city government, yet the government of the rural township is not without difficulties; it touches in its course many of the conveniences and necessities of civilized life. The real difference seems to be that the constituents of the rural government have, or at least have shown, more capacity in dealing with the evils of maladministration than those of the city. The connection with and relation to the local authorities of a farming community is more practical, immediate and direct; they take the time and trouble to trace the causes of official delinquency to its source and apply the remedy—conditions which might be, and yet are not often found, in a city population.

Let a comparison be made between the management of public affairs in one of our old and long-established townships in any part of the state, for thirty years, and the management of a city government for a like period. It will be shown that there has been more of prudence, more of economy in expenditure, more scrupulous attention to details, less of capricious change and experiment, a better adaptation of means to

ends, and a more satisfactory improvement in its own methods of action, in the rural government than in that of the city. Of course there is a difference in the law applicable to the two communities, but the greater difference is in the genius or spirit of its administration. Now it is this spirit of the law, best shown in the action of our very numerous township governments—this spirit averse to change for the mere sake of change—cautious concerning projected amendment, very free of inquiry but somewhat slow in determination; constant in the rejection of mere empiricism; disregarding personal or special interests; studious only of the general welfare and the public good, that has hitherto been carried by our great rural constituencies into all the legislation of the commonwealth, and has been deeply stamped into the character of our civil and social conditions.

Indiana may not be the first of the states in wealth, population or territorial area, but it is second to none in the tenacious observance of its conservative autonomy. Concerning our future fortunes as relating to the maintenance of this polity, faith and hope unite in the best auguries. In attaining the position of a free, prosperous and enlightened state the question is not so much whether the movement be fast or slow, as whether it be made in the right manner and direction.

Both as an emblem and lesson, the most highly cultured Grecians of antiquity, in the games at their national festivals, always introduced the torch race.

The winner in this race was not he who first reached the goal, but he who first reached it carrying with him over the darkened course his torch yet burning and alight. This race, as has been said of it, was not to the swift, but to the wise.

The canvass of 1886 took place in what is known in our partizan vernacular as an off-year. It is the year in which a general election is held four months prior to the half-way limit of the presidential term; a full ticket is placed in the field except for electors. It was formerly the custom to publish the ticket in full and allow it to stand in column until the close of the campaign. In the year when no presidential election was pending the names of the electors were off the slate for nomination—what was more they were off the ticket, and off the file of the printer's galley.

The time when the off-space was thus made, by the omission of the names of presidential electors, became gradually identified as the off-year. I have heard Mr. John D. Defrees of the *Journal* and Mr. William J. Brown of the *Sentinel* both speak of this expression and its origin. It was in quite common use before its appearance in print; the newspapers have since given it a wider acceptance and circulation. As a vacancy occurring during the presidential term is always filled by succession, not by election, the off-year, as a distinct political epoch, must be as permanent and enduring as the present form of government. It is a season not of absolute indifference, though of interest much abated as compared with that of a presi-

dential contest. The off-year is a sort of fallow in the political field, where plants unknown, and unsown save in secret, flourish and abound. It is a time of clearing-house settlement, so to speak, when classes of men within the same party take the opportunity to reckon with their adversaries the account of old scores and grudges till then suppressed. The reins of partizan discipline are relaxed, and voters act with a measurable degree of independence. Everything may be expected from men and from events, except to foreknow election results in the off-year.

The legislature chosen in 1886 met in January, 1887; the duty devolved upon it of electing a United States senator, and on the first roll-call of its members it was Democratic by a majority of one on joint ballot.

The Republican candidate for the Senate was Mr. Benjamin Harrison; he was then the sitting member, and had made a very able canvass for reëlection, somewhat aided by those features of contingency before noted as peculiar to the off-year. The Democratic candidate for senator was not known for some time. Friends of Mr. Joseph E. McDonald presented his name as a candidate for nomination, and he had many earnest and cordial supporters. When that gentleman withdrew voluntarily from the contest, my own name began to be spoken of in that connection. I was at this time holding the office of United States district attorney—fully engaged in the business of the

government and in private practice in the different courts. There seemed to be a general movement toward my selection as a candidate for the Senate.

Mr. Isaac P. Gray was then governor. He was a gentleman having a very clear vision of current events and the actors therein, prompt and decisive in action as he was in counsel wise and considerate. The mood and tense of the grammar of his life were those of the imperative present; with these he had gone far. In his subsequent service as minister of the United States to Mexico he made a distinctly favorable impression upon the chief officials of that government, and largely promoted the amicable intercourse and business relations between the people of the two republics.

When the Democratic caucus met I was nominated for senator and accepted the position, one of difficulty and embarrassment.

The house in the legislature was Republican, and commenced the senatorial campaign by unseating a Democratic member and placing a Republican contestant in his stead. The senate, which was Democratic, then unseated a Republican and gave the seat to a Democrat. This mode of procedure was repeated until the Republicans in the senate protested that it must cease. It did cease; it had not changed the political character of the general assembly in either house.

There were at this time four members of the house who had attended neither caucus, and who had selected

and voted for an independent candidate for senator. As long as they continued in this course there could be no choice made of a United States senator.

The presidency of the state senate also presented a question which both parties regarded as of the first importance. General Manson, who had been elected lieutenant-governor in 1884, had afterward accepted a federal appointment as collector of internal revenue in his district, and thus vacated the state office to which he had been chosen. Both parties, by way of precaution, in the election of 1886, had made nominations to fill this vacancy, and the Republican candidate had received a majority of the votes cast. The Democratic senate refused to recognize the gentleman who had been thus elected to that position, claiming that the constitution of the state had made full provision by its own terms for the succession in such vacancy. Acting under that provision, they had chosen Mr. Alonzo G. Smith, one of their own members, president *pro tempore*, as their presiding officer, and they refused to recognize any other.

The provisions of our state constitution in relation to vacancies in the offices of governor and lieutenant-governor are closely paralleled with those of the federal constitution concerning vacancies in the offices of president and vice-president. Certainly no party in this country has ever claimed that in the case of a vacancy occurring in the vice-presidency, from any cause, an election must be held to choose his successor—all have conceded that, in such case, the president

pro tempore, elected by the senate, lawfully succeeds to the office and duty of the vice-president. Such was our position and in part the reasons in support of it. Two suits were brought to determine this question, in one of which Mr. Benjamin Harrison and myself appeared as counsel and made full arguments upon opposing sides; the supreme court decided both cases without considering or determining the main question in either. Under similar or like circumstances it may recur again. An unsettled contingency in reference to the tenure of the second office in the state is a condition not desirable.

The general assembly, in the meantime, proceeded to vote day after day in joint convention for United States senator, with the result of no election; it was the longest contest of that kind ever occurring in our state. Upon the sixteenth ballot cast on the second day of February, 1887, the president *pro tempore* of the senate, who was the presiding officer of the joint convention, declared my election to the United States Senate. The speaker of the house announced from the same stand that there had been no election. The joint convention adjourned amidst great commotion and clamorous disorder. The journals, however, of both houses appeared next morning giving a very full record of the proceedings, showing that every member of the assembly had attended and voted, and of this number seventy-six votes had been cast for David Turpie; seventy-four for Benjamin Harrison. Protests and remonstrances against the validity of this

election were signed and forwarded to the Senate at Washington, together with numerous papers relating to the contested seats in both houses of the legislature. The opposition press and politicians of the state continued to deny and denounce the legality of the election.

On the fourth day of March, 1887, I resigned the office of district attorney of the United States, as the most direct way of informing both friends and opponents that I had the fullest confidence in the lawfulness of the election.

The Congress to which I had been chosen did not meet until December. Several months were thus given to close up unfinished business at the bar and to prepare briefs and arguments in support of my right to a seat in the Senate. I went to Washington at the proper time, was sworn in and seated without objection; all the papers on both sides of the case were referred to the committee upon privileges and elections for examination and report. The committee did not report for several months afterward; they made a very complete examination of the facts and the law in the case and unanimously decided that I was legally entitled to the seat. This report was approved by the Senate without a division; the majority of the committee, as well as that of the Senate, were Republicans. The decision and judgment of the Senate in this case, since often quoted and followed, was to the effect that the Senate of the United States will neither consider nor adjudicate touching the title of an in-

dividual member to his seat in a state legislature. The Senate will hear and decide a question of two bodies both claiming to be the legislature, which of the two is the lawful assembly; it will decide between two bodies, both claiming to be the senate or the house of a state legislature, which is the lawful house or senate; but with respect to the election and qualifications of any particular member the judgment of the house to which he belongs in the legislature is, under the constitution of the state, final and exclusive.

A departure from this ruling would be an invasion of the sovereignty of the state and of the jurisdiction of its legislature in its own sphere, and would have the direct tendency to make the Senate itself an electoral body for the choice of its own members. This sort of self-elected legislative chambers is very ancient, and their history is rife with danger and disaster to the countries in which they have had an existence. The possibility that the rule in the Turpie case may, under the exigency of party contests, at some time be abandoned, is one of the reasons among many others for a change in the method of electing United States senators. If these officers were elected by a direct vote of the people of the state, there would be no further complications touching the election of members of the legislature affecting that of senator.

During the time that this validity of my title to a seat in the Senate was under investigation by the committee, no part was taken by me in the public debates. I made but one speech, which was at the in-

stance of Mr. Cushman K. Davis, a senator from Minnesota, who was my personal friend. He was at that time chairman of the committee on pensions, and requested me, as one of his colleagues serving upon the same committee, to address the Senate in behalf of the dependent pension bill,—then a new measure just reported, now for many years the law of the land.

CHAPTER SEVENTEEN

CANVASS OF 1892—THE STUMP SPEECH—COMPARISON OF THE SPEECH AND PRESS

In 1892 I made a large canvass of the state, not so extensive as some of those made formerly, but still a long tour. The main subjects of discussion were the force bill, and what were known as the federal election laws. These laws provided for the appointment and service of a multitude of supervisors, inspectors, and deputy marshals, who officiated at congressional elections held in the different states. These laws have since been repealed and these offices abolished by our action. In this way a great deal of Democratic policy has gone into the legislation of the country, which, although bitterly opposed at the time, has since been so generally approved, that the debates concerning it are almost forgotten.

Being a candidate for reelection to the Senate, I made the canvass from that standpoint. The crowds in attendance were large, and the meetings were frequently held in the open air. This reminded me of old times, although United States senators did not then make the campaign as they now do. When a young man I rarely heard a senator on the stump, and never

in my own county; I had always to make a journey of some distance to hear him. A senator then, of either party, was only required to make one speech in each congressional district. This was what was expected of him and was all that he usually did in the public canvass. The change of custom was mainly due to the precedent of Hendricks and Morton. These gentlemen were prominent political competitors, served some time as colleagues in the Senate, engaged actively in the debates at Washington, and continued these unfinished discussions at home afterward, in a wide circuit of towns and counties only limited by their time and strength. Their successors followed this example. The people thus accustomed to such a course were not otherwise satisfied.

A recurrence to the period of the primitive canvasser makes now a long view in retrospect. Two or three times in the beginning I have spoken literally from the stump—not a bad stand, but it has its limitations. The speaker from the stump was obliged to be careful of his steps, and guarded in his movements; otherwise he lost his balance and fell, although there was nothing very perilous to his person in such a fall; still he seldom recovered from the effects upon the audience produced by it. I have often spoken at the mill—a good place for a public meeting; the murmur of the machinery in grinding was not unpleasant, not at all obstructive. The sawmill was a convenient place on account of its facilities for seating the hearers—but the saw must be silent. The proprietor, how-

ever, willingly stopped work upon the condition of a time limit, which was cheerfully agreed upon and strictly observed. Churches, school-houses, court-houses, and barns were formerly much in use; in the towns at present other places are resorted to for this purpose. But the native home of the stump speech is in the woods or grove. One who altogether forgets this home and its surroundings, though he speaks elsewhere, will not so well please those who hear him as when he bears it in mind.

It is proper to commence the speech by addressing the chairman of the meeting, to be followed by a greeting to the audience. This style of address to the chairman may be repeated at certain intervals afterward. The speaker will always apostrophize some one—it is much easier to say “Mr. Chairman,” than to say “My Fellow Citizens” or “Ladies and Gentlemen.” Besides this, addressing the chairman is a reminder to those present of the organization of the assembly over which he presides. Latterly speakers have been observed, who occupied a long time in their remarks without any notice of the chairman either in opening or closing. A political meeting held upon public appointment is a lawful assembly recognized and protected as such by statute. Its chairman is as much entitled to recognition as the presiding officer in a court of justice or in a legislative assembly. This ought not to be forgotten. Indeed the township or county meeting called to consider the affairs of the state or nation is the original germ, the procreant

cradle, of our free institutions. The speech and the press are auxiliaries; the town-meeting was not made for them, they were made for the town-meeting; it preceded them both.

At the close the speaker should return thanks to the audience for their attendance and attention; this is a matter both of duty and courtesy, which ought never to be omitted. The people have given their time and labor to make the occasion what it has been, and are entitled to special recognition. Into this final thanks-clause the speaker may perchance throw just a word referring to some subject before spoken of. Mr. Hendricks, Mr. Colfax and Mr. Willard were each very felicitous in making this touch at the close. These gentlemen were artists; they were much more; but in this they were artists, finished to the last line and stroke of excellence.

The stump speech must not be too long,—an hour and a half is a fair average; its precise length must depend upon the humor of the time and the temper of the audience; these are easily ascertained by one who is at all observant of such things; and if he be not, he had better observe silence. A speech may be occasionally very long, and yet not thought to be so, though this is a mark of perfection not often nor easily attained. The oratory of the hustings affords ample scope, not for the display, but for the rational use of rhetoric, logic and elocution. All these, however, must be thoroughly subordinated to the subjects occupying public attention. No one need be mistaken as

to what these are; in the cars, at the hotel, in the shop of the blacksmith, on the street corners, he may daily hear of them. These subjects should be studiously developed by his best thought, delivered in his best language. Flippancy ought to be avoided, and especially the affectation of speaking down to the level of the audience; the speaker may be well persuaded that those who hear him, save in respect to facility of expression, or some particular lines of culture, are fully his equals, some of them his superiors. When he becomes unintelligible, the fault is his, not that of his auditors. The most careful preparation is to be commended; people soon detect a sloven and grow tired of him. There is also needed in this exercise self-possession, somewhat of tact in handling an audience, and above all things, sincerity. This is as indispensable a requisite to the public speaker as charity to the Christian character. Where this is lacking nothing else will avail; the sounding brass and the tinkling cymbal are as readily discerned in the one case as in the other.

The stump has its follies, its blunders, its fripperies and oddities, but not any more of them than the pulpit or the bar. A stump speech of the highest order is a magnificent exhibition of intellectual power.

Whether the general style of what is sometimes called stump oratory has grown better in the last half-century in our state is a question not easy to determine. As to those persons that regularly engage in the public canvass of the state from one campaign to another,

it is to be presumed that there may be some degree of improvement resulting from continued practice and experience. But the number of such persons, of all parties, is so inconsiderable that the betterment in such case can affect the aggregate very little. Estimating ten persons to each county, the local candidates and others not candidates, and the persons who address political meetings at cross-roads, at school-houses, and such localities—as useful a service as any other—there must be in a general campaign in the state nearly one thousand who take part as speakers. Comparing one series of campaigns with another during the period mentioned, in the matter of style and delivery of the mass of things spoken at large from the hustings, there has been little change.

It is not to be inferred from this that such style and manner are at all inferior; rather that they have been so fitting and appropriate to the various occasions of their use as not easily to be amended or improved except by a longer continued progress in the future.

Although state policy has from time to time engaged the attention of public canvassers, yet stump speaking has been for the most part employed in the discussion of national questions. From 1830 to 1840 differences of opinion concerning canal construction, and other projects of the internal improvement system of the state then in vogue, became so sharply defined that even members of Congress and senators were chosen on these grounds. In later years questions

relating to our domestic and local government have not been controlling or dominant issues, with the exception, perhaps, of the canvass of 1882, which was made chiefly upon the question of the submission of an amendment to the state constitution concerning the manufacture and sale of intoxicants.

It has often been said that questions relating to state policy should enter more generally into public discussion than they now do; also that these questions are of a somewhat non-partizan character, and should be dealt with as such. Yet it is the fault or misfortune of the time, perhaps the peculiar trait of a free people, that there can be no plenary or popular consideration of a subject lying outside the field of party contests. The opinion of political experts and operators is often at variance with those of the people, without being known to be so, in default of prior discussion; hence the repeal or amendment of our laws is almost as frequent as their enactment.

A full and exhaustive discussion of the merits of a particular measure seems hitherto to have depended upon its being made an issue between opposing parties. This practice is derived probably from the form of legal procedure in our courts of justice, the object of which is to reach an issue denied by one side and affirmed by the other. This may not be a perfect mode of determining rights or opinions, still it may include and may in time develop a way more excellent. Though hard to attain, it is not difficult to conceive a state of free society and of the fullest franchise of de-

bate, in which our present methods might be regarded as somewhat crude and immature. Time has amended them; they are, however, not incapable of further betterment.

Upon questions of public policy men do yet greatly differ as to what is true, as to what is just and right. But they are agreed now as never before upon what is the spirit of truth and justice—to hear both sides. This disposition, so universal, to hear both sides—all sides—before action or decision, is an auspicious omen. It tends to improve the elements that compose parties. It is disconnected with the regular circuit of party action; still it is a live wire and may be accounted the token of an advance era in political culture.

Although a large part of my life has been spent in addressing juries, legislative and popular assemblies, yet I seldom rose to speak to an audience, large or small, without a feeling of some embarrassment, a sort of indefinable dread or depression. Many of my companions and associates, men like Hendricks, Kerr, Pratt, Voorhees, Holman, and not a few others, have spoken to me of being subject to a like sensation at the bar, and while engaged in the labor of the hustings. Senator Pratt told me once, in conversation about this, that just before he rose to address a jury in a critical case, this sensation sometimes took so strong hold of him that he would have given anything in the world if he could in some manner have fled, or avoided or deferred the argument he intended to

make. Yet he was one who never made a failure at such time, and who discharged his duties as an advocate absolutely without fear of consequences.

This strange feeling seems to have little or no connection with either physical or moral courage. The most valiant have been affected by it; the bravest of the brave, those who have faced death in battle in a thousand forms, have changed color and trembled in the presence of this seemingly fantastic terror.

This is well exemplified by a circumstance in the early life of our first president. Washington, before the Revolution, when a young man, served several terms as a member of the Colonial legislature of Virginia. Upon the occasion of his first taking his seat in that body the speaker, in accordance with the resolution of the house, publicly thanked him in highly complimentary terms, for his eminent military services in defending the frontier against the Indians. At the close of this address Washington rose to make his acknowledgments. An eye-witness relates that he blushed deeply, that he trembled, stammered, and was unable to utter a single word. The speaker came to the relief of the new member in the most courteous manner. "Sit down, Colonel Washington; your modesty is only equaled by your valor, and that surpasses any power of language that I possess."

This sensation, in the ordinary language of the people, is called stage fright, and is much more prevalent among that class of persons called stump speakers than is generally supposed. The name given it, like

many other similar homelike expressions, has in it a large body of truth. The basis of the feeling is fright, or fear, but perhaps not so much the fear of others as that of the speaker's self. He has his own standard of excellence, the audience have theirs, and his reputation may have preceded him; this has raised expectations, and he is apprehensive that he may fall short of their requirements. Such apprehension, however, is only a partial explanation of the subject, since stage fright is often severely felt by those who have no repute as public speakers and desire none; by those who undertake the recital or rehearsal of the words and sentiments of others, not their own; and by those who take only the most formal part in public meetings and are not at all concerned either as to the approval or disapproval of the hearers.

It may therefore be well conceived that there is, in the disposition of most persons, a natural, instinctive aversion to the disclosure of the inner habits and costume of the mind,—for like the body it has these intimate belongings. This dread of publicity has no reference to the concealment of motives or opinions, or to the good or evil report of what may be said or spoken in public; it is not at all related to craft or guile; it is a remonstrance pure and simple, against such an exposure. It resembles very much what we call, in private life, shyness or bashfulness. No one attaches to these mental traits any notion of moral delinquency; they are rather objects of sympathy than censure.

This inherent sensitiveness of the mind, touching the disclosure of its own habitudes, may to a greater or lesser extent be hidden or suppressed, but in some constitutions, perhaps in many more than we imagine, it is so strong as to be uncontrollable. The person liable to such an attack is often unaware of the strength of the feeling until the actual test is made. Then, upon some occasion of public appearance and utterance, it is suddenly found that the will is powerless, the faculties of speech and memory are affected, the sight and the breath fail.

Custom and usage, long practice of well ordered self-possession, may mitigate or alleviate this sort of panic, may enable the public canvasser to conceal its effects or symptoms, but it is questionable whether the liability to its recurrence is ever wholly removed.

Indeed, this emotion may have been for wise purposes permanently implanted in our nature; for although it has been often called fanciful and irrational, in the mingled elements of our mental structure it may have a place and office useful and beneficent. It is nearly allied to some of the most amiable qualities—to modesty, to humility, to self-denial—and it is in direct restraint of egotism, of impudence, and of vainglorious self-adulation, which, if they be not vices, are yet accounted among the foibles and frailties of humanity.

The public speaker, especially if he be a young beginner, is not to be disparaged because he may for a time be disconcerted, and even plainly show his em-

barrassment; such a manner is much to be preferred to the air of one replete with self-sufficiency, who has no feeling of responsibility in the position that he has assumed, who wastes his own time and that of others in idle words, and sits down at last unconscious of his failure.

He who participates in any manner in the public canvass of the state voluntarily takes upon himself the part of an adviser and counselor of men in their temporal affairs of the highest moment. The stump speaker is a public teacher—that or nothing. In the course of such a life he may attain to office and to political honors, but these are only incidents by the way. My memory recurs with pleasure to persons, not a few, who in my own time declined nominations and elections, yet took a large part in the labor of the hustings merely from a sense of their duty as citizens to the state and nation. Their sole reward was found in the respect, the esteem, and the worshipful regard of their fellow countrymen—in their view the noblest recompense. This generation of men have not yet disappeared; they still live and make their home among us; of such is the household of liberty.

Recent speculation has been a good deal employed upon the inquiry as to how long this system or method of stump speaking will last, and upon the question of its value and utility. Thoughtful students of the history of the hustings may well perceive that although in our own country and Great Britain this is an old and familiar institution, yet in the world at

large it is rare, uncommon. In by far the greater number of human governments it is not found; it is not allowed nor permitted, and has no existence. I have heard an account of one American who, a long time ago, made a stump speech on the continent of Europe. He was an Indianian, and addressed the people in the street from the balcony of his hotel in Berlin. He was soon silenced with the comment that although such action might be allowable enough at home, it was contrary to the custom and law of the country in which he was then sojourning.

The system of speaking to popular assemblies upon political topics obtains even now only in a small minority of the nations of the earth, and these are the most free, the most highly civilized and enlightened. Nevertheless, mere civilization and enlightenment are not at all coincident with political and civil liberty. The railway, the telegraph, the telephone, schools and universities, abound under the most absolute despotisms. It is only the love of the people, not for what is called national wealth, military or naval power, or territorial acquisitions, but the pure innate love of freedom for its own sake that can preserve such a system as that of the hustings.

Whenever the ballot, that great implement of liberty, instead of being an expression of opinion, becomes constantly and continuously only a matter of purchase, of intimidation, of military or administrative compulsion, the stump speech will be useless, and the stump speaker will become as extinct as the beaver

or the buffalo. There may be, and doubtless are, some members of the modern school of what is called progress, who would account this extinction as no loss. Yet it would indicate the disappearance of some things heretofore regarded as invaluable. National wealth, splendor and rapacity are but wretched substitutes for freedom of speech and of the press.

In what is sometimes said about the stump speech being supplanted by the daily or weekly newspaper, it should be remembered that although freedom of speech and of the press are, in a free government, close companions, they are not identical—each has its own sphere and province. For the first fifteen or twenty years of life, the earliest and most impressible period, we depend mainly upon oral tradition. We learn what we are taught; we know what we are told; the masses of mankind adhere to this primitive method and still prefer it. The work of the press has been greatly enlarged during the last half-century, but that of oral teaching and tradition has kept full pace with this in the enhanced labor of the platform and the hustings. Only a small minority of our people have the leisure to read studiously and continuously. The great majority read, yet they prefer the oral discussion of a subject; they would rather hear than read. The constituencies of Indiana are in political knowledge and information not excelled by any other. Even long before the press became so prominent, Indiana enjoyed this reputation. Our state, as Mr. Voorhees said, has been for many years the Belgium of politics,

the debatable land between great contending parties and opinions. That this condition obtained and yet continues, is due to the oral teaching and tradition of the stump more than to any other instrumentality.

As to which of these two methods would survive if both were threatened with extinction, the chances rather favor speech than written or printed communication. The press must have a local habitation, a special apparatus for its utterances. Speech is more volatile and irrepressible. As we may note even now, the press is somewhat prone to serve the master, whether the master be the people or an absolute ruler. Newspapers and periodicals abound in St. Petersburg, but in any American sense they are without political significance. The government of the empire is one of great strength and simplicity. The word liberty is there seldom heard. The best wish to be made for our posterity is that they may succeed to the large estate of liberty which we have hitherto enjoyed; and for ourselves, that we may do nothing to disturb *their* succession to this ample heritage.

CHAPTER EIGHTEEN

IN THE SENATE OF THE UNITED STATES—SESSION OF
1894—THE NICARAGUA CANAL BILL—THE CONSTITUTION OF THE UNITED STATES

In December, 1894, a debate began and was continued through many sessions upon a bill proposing to aid the Maritime Canal Company of Nicaragua, a corporation organized for the purpose of constructing a ship canal across the American isthmus by the Nicaragua route. The subsidy provided for in the bill took the form of an indorsed guaranty, to be made by the government, of the bonds of the company to the amount of one hundred millions of dollars.

I had always favored the enterprise of building an isthmian canal. As the ocean-gate between the two continents of the western world, it would make the liberty of the seas, in a new sense, available for ever; it would complete the noble task and fulfil the prophetic vision of the first great discoverer: "This at last is the way to the Indies." I was, however, opposed to the pending bill, and the first objection thereto, often urged, repeated and restated, was that Congress under the constitution had no authority to indorse or guarantee the bonds of a corporation for

the purpose named therein or for any other. The friends of the measure wholly ignored the constitutional objection, and this led to a broad field of debate, comprising an examination in detail of the company's survey and estimates, the profile of its proposed route, and a comparison of this enterprise with those of Suez, Corinth, Panama, and other maritime canals of the world. Probably there never has been in any legislative body a more complete or thorough discussion of a measure than that which took place in the Senate on the subject of this bill. Notwithstanding its frequent re-introduction and the continued efforts of its supporters to promote its favorable consideration, the measure failed and the subsidy was not granted.

The position was also taken that if the money or credit of this country was needed to construct this waterway, it should be built by the direct action and authority of the national government and, when completed, should be the property of the United States. In this manner no constitutional objection would intervene, for without question our government can build a canal or harbor, as it may at home, in any part of the world, having first acquired the international cessions and assent needed for that purpose,—the only question in such case being as to the wisdom and expediency of such an enterprise.

Congress has since been engaged in considering the reports of various presidential commissions, appointed to make examination of the different routes

with a view to the construction of an isthmian canal by the direct action of the government.

The prolonged controversy touching the subsidy bills of the Maritime Canal Company, while it was in some degree useful and instructive, was in any legal aspect totally irrelevant. The bill ought to have been beaten upon constitutional grounds alone, without any reference to this particular corporation or to the character of the enterprise in which it was engaged. It was not claimed that the power to indorse and guarantee such bonds was anywhere granted in the constitution; but it was said that it was not forbidden and therefore might be lawfully exercised.

This specious fallacy barely escaped a qualified approval in certain recent judicial decisions, and it is eagerly supported by a very opulent class of political monopolists, who wish to utilize the government to promote their further pecuniary aggrandizement.

Powers not forbidden are not thereby granted. Such powers are not mentioned in the constitution and mere silence is not a grant. Powers forbidden,—for example: “Congress shall make no law abridging the freedom of the press,”—are thereby not granted. But to hold that powers not forbidden are thereby conferred would make many entire sections and articles of the instrument mere surplusage. The provisions touching the powers enumerated and granted are idle and nugatory, if powers not forbidden are for that reason to be held as given. There was no neces-

sity for the article in relation to reserved powers, if powers not prohibited were thus delegated. Why make a reservation of powers or a method of conferring other powers if, as claimed by this construction, all powers not prohibited are already conferred?

The constitution by its own terms makes authoritative and final disposition of the powers not delegated, not forbidden, and thus not set forth or expressed in the text of the instrument. These powers are not vested in the courts, in Congress, or in the president, but only in the states or the people.

Such a doctrine as that just mentioned imposes no constitutional limitations upon the use of power, except where its exercise is actually prohibited. All other powers whatsoever, according to this assumption, are granted, either because they are expressly given or for the reason that they are not inhibited.

Under this mode of construction, a judicial decision can never be a rule—a rule of action—still less can it ever become a standard fixed and determinate of either rights or remedies. It can have only the character of an interlocutory decree or temporary order, to be changed to and fro at the discretion or caprice of the majority of those who sit in judgment upon such questions.

For the first century after its adoption jurists of all parties conceded that under the constitution this was a government of delegated or granted powers; those not granted or clearly implied, as necessary to the exer-

cise of those given, had no existence. The silences of the constitution, in this respect, were regarded as obligatory as its utterances.

The constitution, except as to one race and subject, is unchanged; it is substantially the same as when it came from our forefathers. It is the same as that which the most celebrated liberal jurists and statesmen, not only of our land, but of the whole world, have commended as the most perfect model of free government ever devised or established by human wisdom. Yet there is a change, very noticeable, in the respect, in the regard, rendered to constitutional mandates; and this change is due to the hostility of those who, for various purposes, have been laboring to undermine and to annul their authority.

The constitution used to be denounced by those interested in the anti-slavery movement, as a league with hell and a covenant with death; but liberty for all has now for more than a generation been graven into the original text. It has to-day become the fashion to denounce it as antique, as superannuated, and to speak of its provisions as physicians speak of what they call the rudimentary organs of the human body, concerning which it is disputed whether they ever had, or were designed to have, any useful function or purpose. What may have been the causes which have induced this decline in our reverence for the supreme law of the land, too manifest in Congress, in the legislatures of the states, and in many of the legal tribunals of the country, it may be difficult to say.

There is a class of statesmen at present who are very emphatic upon such terms as nation and government,—words proper enough upon occasion but not at all descriptive. There are in the diplomatic circle of the world about forty powers, all of which are nations and each of which has a government. The grand distinctive features of our polity are that the United States is a Republic, and that its government is controlled by the free action of the people. These features are historically and practically founded upon the Union—the union of the states—a political element the most remarkable, and one in its development and growth without a parallel, in modern or ancient history; a union bound together by a written constitution, enfolding in its wise and massive sentences the germ and origin of all the real progress and prosperity, as well as of the influence and prestige, of the Republic. These persons would supplant our constitutional government by a dual system, composed of their ideal of the Republic at home with some sort of anomalous dominion unknown to the constitution in our possessions elsewhere. This system thus far may have received the sanction of three departments of the government—the executive, legislative and judicial. The action of these departments in approval of this new form is an exercise prematurely of powers not yet delegated to either or all of these, but expressly reserved to another department—the greatest, purest and wisest, as it is the most powerful department, the department of the states and people. This last mentioned depart-

ment, in its action, judgment and decision, upon a proposal to make any change in the constitution, does not depend upon a mere majority; but the vote of each state, to the number of three-fourths of the whole, is necessary to the approval of any change in the form of government such as this dual system requires. If there be in the constitution of this Republic what jurists call a *casus omissus*, which is by no means conceded, this omission can not legally be supplied by an act of Congress or by a judicial opinion or decision. Such a decision would disclose its conscious infirmity.

Certain leading statesmen, now and then dominant in the administration, have taken as a rule for their public action an old monarchical maxim, slightly modified, that the king can do no wrong; it now reads, the majority can do no wrong. Whereas, it is only the majority that can do wrong. The constitution binds all, both the greater and the lesser number, but in a special sense it binds the majority. The majority has all the power—its action may imperil the constitutional limitations upon power which that of the minority could not do. It is the majority which has the power to do either right or wrong. It was to prevent wrong-doing by the majority in the courts, in the Congress, and in the executive departments of the government, that our fundamental law has placed fixed limits upon the exercise of power.

One of the causes of the laxity of opinion, touching our constitutional obligations, is the sheer impunity with which the majority may violate them. The con-

stitution is not self-operative. Its preservation and observance must depend upon the fidelity of those to whom are committed the functions of the federal government. The highest officers of the Republic are, if acting with the majority, subject to no punishment for its violation. Impeachment can inflict no penalty for any act or omission, however unwarranted, which is approved by the greater number; a small minority of either house of Congress may prevent prosecution or conviction upon impeachment; much more can a majority do this. In a free government, of necessity, the only sanctions for the performance of duty in its higher stations are those of conscience and honor; where these are lacking, limitations of power cease. It has been said that the constitution will not be in the way of innovations; this is true, the constitution can never be in the way of a majority that is determined not to be bound by its provisions.

Senator McDonald, in his public canvass of these subjects, was accustomed to assert that the great general principles of free government had been agreed upon and settled by and for the people in their adoption of the constitution and its amendments; that even the main policies of government had been settled in like manner; that the only questions remaining open related to the choice of ways and means in the execution of the powers granted. The constitutional right of freedom of the press was in his time, during the Civil War, often violated. Newspapers were often suppressed and suspended. He affirmed that such acts

were lawless outrages of arbitrary power, and condemned the administration for approving or allowing them. He declined to discuss the question of the freedom of the press, saying that had already been settled by the constitution; what was needed was not discussion or controversy but obedience—obedience to the supreme law of the land.

In like manner he spoke of the tariff, which he called a perpetual issue as certain of occurrence as death or taxes. He asserted that Congress is empowered "*to lay and collect duties*," that levy and collection are thus inseparably joined as the complements of each other; to lay a duty which was not to be collected, but only to prohibit importations, was as gross a violation of the constitution as to collect duties which had not been levied. Sometimes, though always under protest, he would notice the mischiefs incurred by the breach of this constitutional mandate; he spoke of the monopolies and combinations which a high prohibitory rate of duties invariably created, entailing evils unnumbered in their course first and most keenly felt by the many, because the law of the people had been broken. But these, as he said, were the very reasons why the levy and collection of duties had been coupled together; our part was to obey, not to debate.

To-day it might be said to him, if living, that the fraudulent merger and that inscrutable, intangible agency called unity of interest, are merely evolutions; doubtless they are evolutions born and bred by the violation of our constitutional policy. They are evo-

lutions of evil, unless the sordid pest of covetousness is to be canonized as one of the saintly virtues of humanity.

Commerce, with its accompaniments of mining, transportation and manufactures, collectively called business, has always been a highly favored instrumentality in this Republic. It has always had the incidental and continuous advantages arising from the revenue system of the government, but it is now not content with these. Those interested in the vast concerns of interstate and foreign commerce are not satisfied with the regular and natural gains of trade; they aspire to the potential control of our national policy. Hence our legislative and electoral contests have too much assumed the form of violent struggles between different classes as to which shall most profit by the favoritism of the government, and with little consideration of the public good; which shall be most largely aided by direct or indirect subsidies granted by congressional enactment.

It is vain to found a government or to make use of one already established for the purpose of maintaining the supremacy, or dominant sovereignty, of self. The sovereignty of the purse is a wretched travesty upon the sovereignty of the people. Mankind has always, as a choice between two evils, preferred the rule of the soldier to that of the money monarch. The degree of oppression under military rule is measurable; it is certain, constant, and, from its very nature, disciplined and regular; the thralldom of monopoly is im-

measurable and insufferable. Cæsar and Napoleon were great warriors, but they permitted no oppression of the people except their own. As rulers they held the promoters, the speculators, the revenue farmers and the whole unscrupulous membership of the money league of their time, under thorough subjection; and for this reason the people and the army supported the empire.

Whether we are already held in subservience to these forms of misgovernment may be disputed; but the indications of the approach of the monopoly rule are very apparent; if unarrested and unresisted it will sooner or later arrive. This result is not at all uncertain because it may be unforeseen. Upon the advent of either of these systems of misrule the Republic, except in mere name, will disappear; the constitution will become a forgotten parchment; nevertheless liberty will not be lost to the world because a single generation may have failed or faltered in its maintenance.

The object of business, quite legitimate and proper in its own sphere, is to enrich those who own and conduct it. It is otherwise said that the object of business is to employ labor; this is only an incident. There is no branch of business that employs labor or pays its wages; business merely expends for such purposes a part of the money with which it is furnished by the public, in exchange for its product. It is the public, the people at large, who really hire and pay both the employer and the employee in every department of industry. Not promoters nor directors, therefore, but

the people, have by law the power of control and regulation, to be exercised when required for the general safety and welfare. No just administration of the government will acquire office, or use its functions, by a barter to make business an absolute ruler. This is of all tyrannies the worst; it taunts the people at once with the loss of power and the lash of servitude.

Not business as such, but its unjust pretension to arbitrary rule, is the subject of censure and restraint. The absolutism of business is not alone to be curbed and condemned,—the lawless domination of any other interest or element is to be as strongly deprecated. In many countries, at different periods, there have been evil times when the whole forces of government have been exerted to aggrandize particular interests—those of the market, the exchange, or the hierarchy. Against these ruinous mischiefs our fathers were careful to provide. Not hostility to any useful element, not the undue predominance of any interest, but the peaceable coöperation and equal rights of all are enjoined by our constitution, no less by its mandates than by its prohibitions.

John Jacob Astor, a native of Germany, but by choice and adoption an American citizen, was our first multi-millionaire. He was in every respect a business man, the head of many companies and associations, a captain of industry who traded with both the Indies and encircled the globe with his far-reaching enterprise. He was the patron of learning and letters, the friend of Halleck and Irving, and abounded in

works of private and public beneficence; yet he gathered his millions in a strange way, now almost incredible. He became the richest man in the United States, one of the richest in the world, without the aid of furtive rebates, of clandestine drawbacks, or of prohibitory tariffs.

It is said to-day in certain quarters that business is king, and that the chief rulers in this realm of business are rightfully empowered to draft all human instrumentalities into their service and to invoke the aid of hunger, cold, famine and nakedness, to enhance their gains. Everything has not yet gone into the market; there are some things that can not be cornered like food or fuel; among these is conscience, closely allied with justice.

There is a very old Republican maxim concerning justice, mightily approved and enforced in the purest and palmiest days of the ancient Roman commonwealth, long before business became king there and bought the first office in the government for money in the open market.

Let justice be done though the heavens fall.

“To establish justice” is a declared and fundamental purpose of our constitution. There are many provisions in the supreme law relating to the business of the country; all of them are the dictates of that justice which pervades every part of the instrument. It is provided that Congress shall have the power to regulate commerce between the several states. The per-

sons engaged in that business, who own and direct it, have no such power, nor can they lawfully assume it. It is provided further that no law shall be passed impairing the obligation of contract, implying of necessity the preservation of freedom of contract, since there would be no reason for preserving such obligation if the right of free contract itself may be annulled or abrogated. Article nine of Amendments declares that the enumeration of certain rights in the constitution shall not be construed to deny or disparage others retained by the people.

These rights of the people, not to be denied or disparaged, are no mere abstractions. They are of all rights the most concrete, the most practical, useful and general. They belong to man as such, not because he has, but because he is something—something that will not perish when the earth passes away. Among these rights is that of freely buying and selling in the open market, a right of daily necessity in procuring food and the means of light, warmth and shelter. It is founded wholly upon and includes the right of freedom of contract. Every citizen is entitled to a free market where the vendor shall be an actual seller, not a mere purveyor of commodities at a fixed *ex parte* price; and where the purchaser is a buyer, not a mere dependent forced to the option of paying the price thus imposed, or of doing without the commodity he needs, which by reason of the combination he can not procure elsewhere. Even when an article changes hands and the money is paid in such *ex parte*

case, there is no sale. The chief element in a *bona fide* sale is the price or value of what is bought; it is settled by negotiation, by the mutual agreement voluntarily made between buyer and seller; but in such a transaction as this the price is fixed, preëstablished, by the owners of the commodity in combination who have absorbed or stifled supply and have reduced demand to a condition of servile compliance.

The old institution of slavery had other and darker features, but that system was financed upon a method in close resemblance to this. The owner furnished the slave with food, raiment and quarters at a fixed price, to which the slave never agreed nor assented—the price was his labor for life, which he was forced to pay. Were the owner and slave buyer and seller in this transaction of the commodities furnished? Not at all. There was a merger of both buyer and seller in the master.

The courts yet recognize and enforce the contract of sale; justice still affirms and approves it; but what does this profit, when the daily actual practice of monopoly by its duress of the market, claiming to be superior to both law and justice, impairs the obligation of contract, destroys the free right of contract itself, and in effect decrees that in regard to its commodities the contract of sale shall be abolished.

There is and can be no law authorizing such a method; it is a wholly lawless usurpation that threatens in its ascendancy not only to extinguish the right

of contract, but all the rights of freemen that stand in the way of this mercenary coalition.

Several of the wealthiest members of this coalition have been seized with a sort of religious delusion, a superstition very strong and seductive. These devotees believe and openly teach the dogma that the merger, and the form of financial artifice known as the unity of interest, are evolutions ineffably pure and immaculate, and that neither constitutions nor laws are needed for the protection of human rights during the reign of these saints upon earth. So enormous is the credulity begotten of self-interest!

The natural rights of men were not given nor conferred upon them; they are inherent and original. There are other rights dependent upon charter, law or statute; such rights are secondary and subordinate, and are granted by a power superior to the grantee, that of government; but always with the condition that they shall not be used to injure or destroy the primary and sovereign rights of the people.

Indeed we have been taught from the beginning until now that to secure these rights of men inherent and inalienable, governments were instituted among men. The government, or the administration of any government, which does not, or will not, secure these rights, is guilty of a breach of its constitutional obligations. That any government or administration should itself infringe upon these rights, or allow any other influence, agency or authority to do so, is equally a violation of the highest duty.

We have now many laws, state and federal, denouncing crimes and felonies committed in relation to the railway system. A hundred years ago these were not thought of—they were not needed. New offenses, the growth of new conditions, require new enactments with adequate penalties and punishment. We have long since provided penal laws against smuggling and counterfeiting, not only against the persons but also against the goods and wares of those contraband transactions. No lawmaker has ever proposed to regulate these offenses or that of the wilful obstruction of a railway track. Regulation implies permission, toleration and allowance. Train wrecking is not regulated; smuggling and counterfeiting are punished as frauds against the government. They are denounced as crimes, and a large force in the secret service is employed in their detection. A conspiracy to destroy the freedom of contract and of the market, in any form, is a greater offense than those already made penal—more criminal in its design and in its consequences. There is a certain class of evolutionists who think that frauds against the government ought to be detected and punished, but that frauds against the people should be immune.

It is no matter of surprise that a government as old as ours should have a contest with monopoly. This is a part of the historic routine of national life wherever free institutions have had an existence. Though there may be something new in form or manner, it is in substance a repetition of the old struggle between privi-

lege or prerogative and human freedom. Sometimes it has been the prerogative of the sword, sometimes that of the purse, or again that of caste, birth or rank, that has sought and gained ascendancy in the governments of mankind, but always with the same consequences—the ultimate subservience of the many to the few.

Communism, in any form, whether national, public or private, is not a cure for these evils. It has been often tried, before and since the Christian era, in many countries and ages long prior to the formation of this government. Our constitution was not framed upon the communistic principle, still less upon that of monopoly or exclusive prerogative. It was founded and adopted by a generation of men not ignorant of either of these elements, to prevent those evils for which communism had failed as a remedy, and to suppress those wrongs which monopoly had formerly inflicted upon the people. The constitution enforced will effect these objects; neglected or abandoned it will fail to do so.

The scheme of our government rests upon men as individuals—free, wise and brave, massed in such numbers as to assert and maintain their rights. Communism and monopoly are founded alike on the extinction of the individual, the unit of freedom. The one effects this by the destruction of the rights of free men, the other by the absorption of the individual into the body of a vast proletariat, paid and salaried by the government as an employer, whose members may

assume that they have no need of rights as individuals; the public treasury is to be their patrimony, and its paternal protection is all-sufficient.

Both of these elements, monopoly and communism, are equally inimical to constitutional freedom. A large majority of our constituencies are not attached to either, and they, as yet, occupy a position in which they need make no choice between them, and may reject both. A union of the friends of constitutional rule to suppress the power of monopoly, now most apparent and menacing, would also prevent the increase of communism. Monopoly is the cause, communism is the effect. The enforcement and reestablishment of justice, the original purpose of the constitution, will destroy monopoly; the other element will rapidly disappear. Justice is king. The law is its instrument of rule, its scepter. Among a free people justice will be enthroned. The invisible syndicates of Mammon, which have too often controlled the agencies of the visible government, will dissolve and perish. In the stronghold of the constitution there is a whole armament of powers amply sufficient to annul exclusive privileges, to restore the equality of rights, and to overthrow the despotism of the dollar.

Under the rule of a free republic, wherever there is a wrong there is a remedy. In some millennial era of ideal innocence, when the sheep may choose the wolf for their shepherd, we may fully trust the wrong-doer and his confederates to find and enforce a remedy.

There is a class or sect of agitators who insist that

the people have grown tired of constitutional government, weary of its checks, restraints and balances, and that they desire a government of powers flexible, indefinite, general and unbounded. If this be indeed the wish of the people, there is a way open, peaceable and well authorized, in which it may be expressed and gratified.

Why not submit amendments to the constitution, embodying such new powers as may be deemed necessary, or providing for the repeal of the whole power-granting clause, and authorizing the administration of the government to be conducted at the will or discretion of the majority, for the time being, in office? This would give the friends and supporters of the present form of government the opportunity of being heard, of freely discussing the merits and the supposed defects of our organic law; and if they were overborne by an adverse majority they would have reasons most relevant for acquiescing in the result,—for, in the words of the great Declaration, it is the right of the people to alter or abolish any form of government and to institute a new one—a right inherent and undeniable, but it is the right of the people only.

This method of procedure is to be much commended in the interest of the peace and safety of society; it is far preferable to that of innovating upon the constitution by means of judicial action. In the method of judicial innovation a single citizen who happened to occupy a seat upon the bench in a divided court might, by his casting vote, decide to confer new powers, those

withheld, those not granted, upon Congress, and thus make the most radical changes in the form and character of the government. A majority of this tribunal might go further and hold that the validity of certain acts of Congress was not to be tested by their constitutionality.

In the contingency supposed the judgment rendered would of course have the force of law in the case decided, but the presumption that it must be accepted as the equivalent of a constitutional amendment, lawfully adopted, would not be long entertained or often indulged in. All the rights and powers of the government are set forth and defined in the constitution, but those of the states and people are not; they could not be so dealt with. There is a vast province of rights and powers belonging to the states and to the people, and to them only, that of necessity could not be defined; but they are nevertheless clearly referred to and expressly recognized by the terms of that instrument. And it is to be observed that these rights and powers are not referred to in the clauses or sections of the text, but in separate articles indicating their transcendent importance. Even the mode prescribed for the execution of these powers is the subject of a separate article.

The abolition of slavery by constitutional amendment was an instance of the exercise of these powers reserved; it was an act of sovereign power incapable of execution by any other,—an act far beyond the juris-

diction of any court or congress. These potential functions of the states and people were not exhausted by a single use of them—they yet remain for further and future exercise. Therefore, it is of the very essence of the principles upon which our Republic is founded that all powers were not, and never have been, conferred upon its government.

It is uncertain when or upon what subject these reserved powers of the states and the people may again be exercised. But there is one relation in which all loyal citizens stand to them, which is not touched by contingency or futurity. It is that this reservation of powers shall be rigidly observed and this retention of rights shall be absolutely respected. This is our present duty—that of to-day—to take care that no courts, nor Congress, nor executive, nor any other authority nor combination, shall infringe upon these rights of the people or usurp these powers not granted.

Article nine of the Amendments to the constitution, concerning rights retained, article ten, concerning powers reserved, are yet in full force. Article five, concerning the method of constitutional amendment, might, perhaps, be subject to judicial interpretation, but the courts have uniformly disclaimed this jurisdiction; they have held that they were bound therein by the action of the political department of the government, and have declined to go beyond or behind that action. In view of this constant disclaimer, it is idle to assert the pretension that any court can, by virtue of

its own decree, make an amendment to the constitution, or rightfully substitute its judgment or decision in the room or place of a constitutional amendment.

The validity of what is called judge-made law has been often, perhaps too often, recognized, in dealing with ordinary statutes. The application by the courts of such a method or rule of interpretation to the fundamental law of the country would be error—an error final and irretrievable; but it would be quite intelligible. It would mean, and of necessity must result in the overthrow of the existing constitution and form of government by the action of its own servants, officers and agents.

What has been so felicitously called the sober second thought of the people is distinctly favorable to our constitutional system, now for more than a century established. This is most clearly shown by the precaution of its enemies in attacking it. Usurpation upon the powers of a free government proceeds always by two methods, stealth or force. Its supporters in the beginning are wary and guarded; they are careful to conceal and invariably deny their designs; to avow, would be to defeat them. These innovators upon constitutional liberty do not desire a convention of the states or any submission of amendments; they would leave the text of the constitution unchanged, but also unnoticed and wholly disregarded.

The leaders of this school insist that their policy is new, something unknown, unheard of before, specially adapted to a new era of national splendor, glory and

power. Nothing is more false than this groundless pretension. The way from a republic to absolutism is an old way, marked out and established by the prescription of centuries. It is a very old, time-worn, often trodden, beaten path, barren, desolate; it is not the way of Tell, of Bolivar, of Washington.

This school of innovators have long ago lost even any conception of the government as a public agency. They regard the administration as a self-created, self-existing and independent organization, which is fully justified in assuming any powers, and in denying and disparaging any rights to suit its own policy. They are quite willing to make an alliance with any party that enables them to seize and use for their own advantage the plenary control of foreign trade, of interstate commerce, and the domestic markets, thus blotting out constitutional rule, and establishing in its stead the dynasty of commercialism.

That there will always exist in this country a government, is obvious; but that it shall always have a free form and system, has been denied from the beginning by the enemies of the Republic in all parts of the world. These enemies have constantly predicted that when our population became greatly multiplied and our borders largely extended, the Republic would be cast aside and its organic law would become a mere historic myth or reminiscence. To fulfil this prediction the adversaries of constitutional rule are exerting every art and effort.

Nevertheless, something may certainly be known of

the spirit of the age we live in. This is not an era of either anarchy or absolutism. It is an age of liberty,—of liberty restrained by law, and of law restrained by constitutional authority. The wisdom of a people charged with the noble duty and destiny of maintaining free self-government demands the observance of both these limitations, and in this observance the Republic will find the elements of its perpetual life and progress.

CHAPTER NINETEEN

THIRD ELECTION TO THE SENATE—GOVERNOR CLAUDE MATTHEWS—ELECTION OF UNITED STATES SENATORS BY THE PEOPLE—CAMPAIGN OF 1894—DANIEL W. VOORHEES — CAMPAIGN OF 1896 — PARTY SCHISMS—THOSE OF 1848, 1860 AND 1896

When the legislature of 1893 met at the capital, a majority in both houses were of the Democratic party; I was nominated and elected without opposition in the party, as my own successor, for a term of six years.

The governor of the state at that time, Mr. Claude Matthews, was by birth a Kentuckian, comparatively a young man in public affairs, a gentleman of scholarly culture, much complaisance of manner and address. The Democracy of the state, like the ancient Romans upon a certain occasion, had called him from the plow to the high station of chief magistrate; and he, like Cincinnatus, having faithfully discharged the duties of his office, returned to the life of the farm.

There was a great difference between the conduct of the joint convention of 1893 and that of 1887. In 1887, upon the occasion of my second election to the Senate, as has already been mentioned, there was a scene of much disorder, owing to the slight difference

between the numerical strength of the two parties, and to the fact that the senate and house were constituted of adverse political majorities. Six years later there was not the least note of disturbance. The reason was obvious; in 1893 both houses of the legislature were politically in accord, and there was really no question or contest about the result. Yet there can be little doubt that, should circumstances like those of 1887 again recur, there would be a repetition of a similar commotion. The evil is in the system or method of choosing senators, not in the personnel of the legislative body.

Having three times, as a member of the house of representatives of the state, gone through the ordeal of a senatorial election, and having thrice passed through the same as a candidate and senator elect, it is quite natural that my attention should have been engaged very seriously upon the question of the mode of electing senators.

It would seem upon the first view of the subject that a senator of the United States, being a representative of the people of the whole state—a public agent and servant acting in their behalf, ought to be chosen by the direct popular vote. There is no place nor use for middlemen in such a transaction. Under such a method of choice the senator would become, as he ought to be, immediately responsible to the people for his action as such; and at the expiration of his term, if his service proved unacceptable to his constituents, they could remove him without the intervention of a legislative

body, which has too often in this respect disappointed and betrayed the wishes and interests of the voters of the state.

That the framers of the constitution in their time should have adopted the present method was reasonable enough. In those days the legislature of the states was made the general depositary of electoral and appointing powers. The legislatures chose the governors, the judges, and all the state officers. This has been long since changed, and the franchise has been greatly extended, not only as to the number of those voting, but to the officers voted for; the people now elect all these officers, and in the line of this reform, and for the same reasons, senators should be elected in the same manner. It is said that such a change would much increase the power of the state conventions, or primaries, which is true; but it would also increase their caution and responsibility. This difference is to be noted. The nomination of a state convention is only tentative, that of a legislative caucus is final. The nominee of a state convention, even in the most certain states, is often beaten; the nomination of a legislative caucus is seldom, or never, defeated.

Even if there were no affirmative reasons therefor, the manifest evils accompanying the present method should induce this change. Ever since the organization of the Senate of the United States, a great deal of the time and labor of that body has been employed in hearing and determining contested election cases arising out of the action of state legislatures. In the

same way the supreme courts of the several states have been much engaged and embarrassed by the questions relating to legislative apportionment. The judges have been thus compelled to take sides in the most extreme partizan contests, and judgments have been pronounced often diverse and contradictory in the same state and jurisdiction.

During periods of closely balanced elections, especially in the last thirty years, legislatures in the different states have wholly failed to perform their duty, and have finally adjourned, after spending the whole term of their session in the vain attempt to elect a senator. Again there have been instances, and these are becoming more and more frequent, where senators have been elected by a doubtful or questionable majority, in which the result has been so beclouded with charges of fraud and bribery, the lees and residuum of such a contest, as to become the object of universal suspicion and reproach—a condition exceedingly injurious to senators thus chosen, to the body of which they have become members, and to the influence of the states so represented in the national councils.

For all these mischiefs, equally notorious and incurable, under the present system, there is one remedy, simple, adequate and just. Trust the people to make choice directly of their own public servants. Much good would be accomplished, much evil would be abated by this act of reformation.

On one of the occasions when I addressed the Senate on this subject a certain senator approached me, not of

my political faith, who tendered indeed many pleasing compliments, yet withheld his approval. He remarked that my argument was well supported, "but," said he, "it is now too late to amend the constitution of the United States—we must run the government as we best can to the end of the line."

One of the chief objects of our constitution and form of government is progress—progress by interior development, by the inside growth of the Republic in the art and science of popular liberty. For this purpose the provision for amendment is inserted in all our constitutional ordinances, both state and federal. These provisions do not imply an unchangeable fixity, rather a gradual betterment of governmental forms, but especially no decadence or retrogression. This interior development of free forms and polity can not be effected by an increase of the army or navy, or of the patronage and influence of the chief executive, or of national wealth and resources; it can only be effected by an aggrandizement of the citizen, of the unit, the voter, and thus of the masses of freemen in our country.

The senatorial franchise here spoken of, the right of each voter in his own state to choose the senator, is one of these betterments; others might be named; others not even mentioned now may be needed. The transcendent glory of the Republic is only to be realized in attaining every height of excellence, and diffusing among our own people the powers, as well as the blessings, of free government—offering to the

world a spectacle far exceeding in splendor that of the crown and scepter.

The campaign of 1894 was the last in which Daniel W. Voorhees took an active part. This participation was necessarily limited by the infirmities of age and illness which had come upon him. His more intimate friends and his physicians remonstrated with him upon the part he took therein, but he himself thought that duty to the party that had so long honored him with their confidence required this. He was my colleague in the Senate for ten years—the longest joint service in the history of the state. We became acquainted first in 1852; our friendship continued during his whole life, unchanged, unbroken. He was a man intensely loyal to his friends; would believe no evil of a friend, no matter what untoward circumstances might surround him. No man was more thoroughly imbued with the social affections of our race, the love of home, of country, and of his fellow men of every creed, color and condition. He was generous to his enemies. Although he had been for many years the subject of unmeasured, unmerited contumely, yet when even the most violent and unscrupulous of his opponents came to him in some necessity, asking his aid, it was given in the fullest, kindest manner.

Concerning money affairs he was not, as has been sometimes said, careless or improvident, yet he was free in expenditure, not on his own account, but for others whom, for any cause, he thought entitled to share in his beneficence. Naturally of a genial and san-

guine temperament, he always accounted the good things of hope and expectation as being among the most certain of his possessions, and let little thought of the morrow stint or trammel his liberality. He was much attached to animal life, especially to horses. The best horses in the country, and particularly those in the county of Vigo, so famed for its racers and trotters, belonged to him—in a certain sense he owned them all, and was proud to own them. He knew their names and ages, their blood and lineage, and rejoiced in their victories upon the track and turf. Birds he was always fond of; the thrush, the oriole, the robin, he numbered among his chosen friends. During the latter days of his public service the daily attendance and desk life of the Senate, to one of his infirm condition, became very wearisome. As soon as the Senate adjourned, if there were any space of daylight remaining, or if it were a recess or half-holiday, he drove out into the country, leaving the pike and taking some by-road into the woods. On the whole way he would count the robins as he saw them; when he reached the number thirteen there was just a tinge or touch of anxiety until another had been seen and counted. The grand limit was twenty-four, one for every hour of the day. This limit was not made often; when it was made it became the subject of real pleasure and congratulation; then we turned the horses homeward.

Mr. Voorhees was somewhat more than six feet in height, of a form and frame well matched with this stature. The eyes were of a full, deep hazel, darkened

or lightened by the changes of feeling. Amply endowed as his mind was with acquisitions in every department of human knowledge, he had received from nature one rare gift, his voice. It was a bass of great power and compass. The grain of his voice, what the French call *timbre*, was exceedingly musical. Its melody filled the ear, like a perfect vocal chord; even when heard in private conversation, the rhythm lingered long after the sound had ceased.

It was this marvelous instrument that gave to his speeches in the Senate so distinct an excellence. He took a leading part in the current debates of that body, though he often spoke upon notice on a particular subject. Such an address was prepared with great care and much reflection; when delivered, it was read at his desk. Occupants of the gallery turned their faces toward the well known seat, members of the House and Senate gathered around him. There was in the chamber a hushed silence, unbroken except by the rustle of the page as the leaf was turned, and at the close, often the exclamation was heard, "Why did he not go on; why did he stop?" During this delivery he stood in his place motionless, sometimes without the least change of position; yet there was such a charm in the voice, such an instant transition of its tone into the meaning and spirit of the text, that the speech had the same effect as if accompanied by the most animated gesture of an extemporaneous discourse. The speeches thus made were published in pamphlet copies for distribution; the demand for them was large and

immediate; they were circulated in all parts of the United States, and to a very considerable extent in other countries. Such a document not only contained a complete and statesmanlike discussion of the matter in hand, but it was furnished and adorned with expressions unique and elegant, in the finest form of clause and sentence. Any one of the thousands that had ever heard Mr. Voorhees, whether he might read the speech on the shores of the Atlantic or the Pacific, in Europe or Australia, was instantly reminded of the presence and person of the orator. In this power of reproducing himself upon the printed page he was unrivaled, even among his most eminent associates in the public service. No writer or author of that period upon any subject had a more numerous or more widely distributed audience. A well known and enterprising American, not of our state, who had been for some time residing abroad, was asked upon his return, landing in New York, whether he had read, while away, the president's message, then recently delivered. He answered that he had not, but that he had read the speech of Mr. Voorhees, last made in the Senate.

His manner upon the hustings before a popular assembly was in marked contrast to his demeanor in the Senate chamber; it was full of animation, of significant gesture and movement. To use their own expression, Voorhees said many things to the people with the eye and the hand. The organ of his voice, powerful and majestic, was such that when in full life and vigor he made himself heard, in the open air, to an audience of

ten thousand persons, as well as if he spoke within the walls of the most sonorous hall or theater. His language, upon such an occasion, was plain, simple, though noble in its simplicity. He was wholly devoid of affectation—seemed quite unconscious of his own power; the importance of his theme and the regard due to his hearers engrossed his attention. He spoke as one who did not seek their applause, but was deeply concerned for their highest and best interests. Indeed I have heard him more than once say to an audience that he would rather be heard than applauded. Thus admonished, they would for a little while be silent, but soon some flash of irony or invective took them captive, acclamations followed, and the applause became louder and longer than before. His whole attitude and manner were aggressive. A proposition stated by him was in itself an attack. His sentences were all well within the province of reason and argument, but they were often rapid, brief, abrupt, like the thrust of a weapon in assault. His eloquence was of the truest kind, full of bold metaphor, vivid turns of thought and expression, springing from the force of native genius, incapable of precise analysis as of description.

The question has been asked concerning Mr. Voorhees, as well as his grand compatriots, Hendricks and McDonald, why their names have not been connected with some great measure of national legislation. The same inquiry might be made, with much stronger reason, concerning Colfax, Morton, Pratt, or Lane, since they always acted with the majority. No one has ever

heard at any time of a Morton act or a Colfax or Lane bill in such way as we have learned of the Dingley Bill or the Sherman or Morrill acts. Such an inquiry is, however, a very imperfect and unfair method of taking the measure of statesmanship, or of testing the influence and capacity of the conspicuous Indianians of either party here spoken of.

Such a measure is invariably the result of the labors of a committee, and usually takes its name from the chairman of the committee who reports it to the House or Senate, though it is in no case the production merely of his own thought or labor. Indeed it is not every chairman of a committee that can win for his name the prestige of its connection with a historic enactment. Such a chairman must be in a position to command the approval of the majority in both houses and the subsequent assent of the president. For the last half-century rarely has any Democratic member or senator been able to command the support of this triple alliance. With the exception of one very brief interval the whole public life of Mr. Voorhees was spent within the line of legislative minority. For many years he had cherished majorities at home—elsewhere they were absent.

Among his other great services to the Republic, one chief part of his official life and labor was sedulously devoted to the improvement of the library of Congress, and to the building of the edifice in which it is now stored. He lived just long enough to see this work of his hands completed, finished in all its proportions. In that magnificent temple of the arts, in

that classic repository of the learning and wisdom of mankind, the name and fame of Voorhees will be commemorated as long as the Potomac flows to mingle its flood with the waters of the sea.

The presidential canvass of 1896 was made at a time when the country was still grievously embarrassed by the effects of the disastrous commercial and monetary panic of 1893. The Democratic party in the platform of its national convention, among other things, proposed as a remedy for existing and threatened evils a return to the ancient and long established policy of the free coinage of both the precious metals, gold and silver. The Republican party took like ground as to the coinage and use of both metals, but the free coinage of silver was made conditional—dependent upon the terms of international assent or agreement. Meanwhile they resisted any change in the existing law, which had for some years strictly limited the coinage of silver. Opposed to any modification of the coinage laws then in force—their real position was that of mere negation—they needed no other.

A division of the Democratic organization, led by officers of the administration then in power at Washington, and earnestly seconded by members of the party elsewhere, gave them, long before the election took place, the certain assurance of success. A separate convention was called and held, candidates for president and vice-president were nominated, and a canvass was made against the Democratic party and its candidates by dissenters from its own ranks, quite

as persistent as that made by Republicans. This was now the third great schism that had occurred in our party in my own time; the first in 1848, the second in 1860, the third in 1896. Though none of these, save that of 1860, had attained any considerable vote in the electoral college, still they produced in each instance the same adverse result,—the defeat of the party in which the division had taken place.

The principle of voluntary association, not unknown before, has, within the last century, undergone a marvelous development. Somewhat independent of government as such, it yet controls and directs resources as ample and achieves exploits as notable as those of any other power. All the lodges, orders and societies, and especially all the political parties in our country, are founded upon the system of voluntary association. It is, as to moral tendency, colorless and neutral; men may unite for a good purpose or combine for a bad one. The principle of voluntary association binds only the willing. It is true that these associations, formed for whatever purpose, usually adopt, for their internal guidance, the rule that their action shall be determined by the will or opinion of a majority of the membership; but this rule is no stronger than that of the association; it can not bind the unwilling.

The member of a political party who, for any reason, becomes dissatisfied with the action of its majority, may at once abandon it, may join a different party, or with others in like sympathy organize a new one. The exit is in every case as facile as the entrance. To this

laxity of association, a necessary incident of personal freedom, is due the increase in the number of parties. From the beginning we have generally had a third party, but the spectacle of ten or twelve presidential candidates, each with his respective following, is a somewhat recent political phenomenon. Many writers upon the subject of liberal government have affirmed that this multiplicity of parties is a sign of decadence in the Republic. It has been said that certain classes of citizens seem to toy with liberty as a plaything, unmindful of the vigilance needed for its maintenance. They divide and subdivide into separate bodies, quite earnest and sincere, sometimes formed upon a single idea or policy. They belong neither to the majority, nor to the minority which disputes with it the actual possession of power. Thus without any real voice in the conduct of public affairs, they remain in isolation.

After the defeat of a party by reason of its internal dissensions, there has always been much said and written about peace and harmony, about the reunion of its dissevered forces and the return of those disaffected to their former political affiliations. An impartial observation of the consequences of such a rupture, now thrice occurring, will show that the complete return of dissenters, though it may be possible, is impracticable and has never been realized. No doubt many of these return, but in every instance a large number have declined to retrace their steps and have remained in permanent estrangement. Besides this, it is to be considered that although a certain proportion of numbers

is needed to organize a successful revolt, yet the chief injury inflicted upon a party thus rent asunder is not the mere loss of its numerical strength but the nature and character of the schism itself.

The open and undisguised publicity of such a revolt, the fact that those engaged in it were known to be members of the organization which they now seek to divide and to overthrow—these features give to the opposition an incalculable advantage and reinforcement, such as to prevent new accessions to the party thus divided, either in the way of converts or recruits. Moreover, the large and ever increasing number of doubtful, neutral and indifferent voters, under these circumstances are driven at once to a decision—they pass over in a body to the opposition, enhancing its majorities. The Democratic party has more than once recovered from such a discomfiture, and if the system of government by parties is to continue it will, without question, again resume its former prestige and position.

It is not to be presumed, however, that this capacity for rehabilitation will always endure. A period may arrive of the last schism or when parties founded on opinion shall cease. The continued disintegration and subdivision of parties has the inevitable tendency to create and promote faction—a political organization having for its sole object power. The difficulty of self-government in a free country has often taken the form of inability to maintain an opposition of sufficient strength and numbers to curb and control the factious spirit of power. Faction discards doctrines, policies

and principles, except those suited to its own purpose. It laughs to scorn political opinions and their differences, and in the end destroys parties. It may assume a party name, but this is only assumption. It has no beliefs and therefore no schisms.

The rule of faction, sometimes called the despotism of the majority, is as lawless and absolute as that of the autocrat. But it has always been brief. By an induction from many centuries of historic instances, it has always had the same termination. It ends in the establishment of a single ruler, usually one who controls the army, an army that obeys the orders of this leader rather than the constitution and laws of the country.

To prevent this tendency toward faction the people in a republic, almost instinctively, make from time to time a change in the administration. The restoration of the Democratic party will be due somewhat to this influence; it will be in some degree aided by the return of its own dissenters, yet more by a course of events favorable to such resumption, due to the errors and maladministration of the party which has acquired place and power under such conditions. For the effects of a schism during the presidential canvass are by no means confined to the party injured thereby; they are quite as evident and as easily discernible in the successful party.

A great schism in the Church is aligned sharply upon some divergence of faith or opinion, and commends even the sacrifice of life itself rather than the surrender of what may be regarded as the true faith. Having no

external object upon which its force may be expended, it vitalizes the reign and rule of belief. But schism in a large political organization, though springing from the same causes, is not accompanied by the same effects. It finds readily an exterior object for the exertion of its force in depriving its former associates of power and in conferring it upon others. It thus weakens and destroys the rule and influence of opinion, and the majority thus placed in power, massed mechanically together by reason of these prior dissensions, assumes the functions of government without reference to any particular policy. Public opinion, the most legitimate, as it should be the most potent agency in free government, is bewildered and overshadowed by the mere count of numbers of no political meaning.

When the two principal political parties in the country, unbroken and undivided, in advance of a presidential election have made a canvass throughout the Union upon those questions of national policy that divide them, and the people have by ballot expressed their choice and preference, the result is a verdict, a deliberate judgment, in favor of the majority then appearing; and it constitutes an instruction, a command to the incoming administration not to be disregarded, touching its course of action. But when one of the two parties in such a contest has been beaten by its internal dissensions, there is no such verdict or judgment; the only thing decided in such a case is the truth of the adage that a house divided against itself can not stand.

In such a campaign differences of opinion, discus-

sion or reasoning have little scope, very slight effect. Events avail more than argument. By far the most conspicuous event in such a canvass is the schism. It has in every instance controlled all other considerations. No party thus divided by an organized revolt within its own lines has ever succeeded in a presidential canvass. The party in such condition is beaten, not so much because either of its branches may be right or wrong, as because it is divided. That a party thus divided against itself must be in error and unworthy of public confidence is a conclusion quite illogical; but human government is not yet classed among the exact sciences, and logic alone has little place in the solution of political problems, even those of the most importance.

The administration of a party, successful by reason of a division among its opponents, acquires power like any other, under the obligation to observe our ancient precedents and to abide by constitutional limitations; yet its particular situation may make the performance of these duties very difficult.

As members of the cabinet and of an all-controlling majority in both houses of Congress, its leaders are practically in the possession of unlimited power, which they mistake for unlimited authority. At the same time they are the chieftains of an immense political voluntary association whose constituencies give them boundless credence and credit, for the fortunate result of campaigns in which success could not by any possibility have been missed, and for victories not achieved but

thrust upon them. This class of statesmen easily flatter themselves that the party in opposition is hopelessly divided, crushed and ruined beyond recovery. They see daily around them the evidence that no effective resistance can be made to any legislative or executive course of action which they may approve; and since there is no actual check or curb upon their power, they assume that there ought to be no other restrictions upon its exercise. Without any fixed principles, with little or no regard for constitutional precedents, unwilling to adopt a course of conduct commended only by conscience and duty, they wander forth in quest of innovations. Impatient of the past, eager to grasp the most doubtful and questionable powers, such an administration is ominously marked by the promiscuous and dis-tempered character of the elements to which it owes its origin.

It is not for the interest of the Republic that this condition should arise, still less that it should continue.

CHAPTER TWENTY

IN THE SENATE, 1896-1898—THE REPUBLICS OF CUBA
AND BRAZIL—FOREIGN RELATIONS—CUSHMAN K.
DAVIS—THE EUROPEAN FAMILY COMPACT—THE
AMERICAN COMPACT—ITALY AND THE LATIN RACES
—ROBERT DALE OWEN—THE DOCTRINE OF MONROE

It was my fortune to serve some length of time with the committee upon foreign relations, and for a while my best efforts and advocacy were made in behalf of two measures—the recognition of the Republic of Brazil and of the Republic of Cuba. Both these acts have been accomplished. In the case of Brazil recognition was accorded during the term of President Harrison; in the case of Cuba it was long delayed, and was even then imperfect, somewhat maimed in the performance.

For ordinary purposes, quite satisfactory information touching our relations with foreign countries may be gathered from a perusal of the diplomatic correspondence and the volume of treaties and conventions published by the state department. Yet when members of the standing committee examine the actual text of a treaty submitted for rejection or approval, information of a more accurate and intimate character is

needed. Such an examination requires some knowledge of the practical working of former treaties, of the probable effect of the new treaty upon the people of both countries, some consideration of the motives and purposes of both parties thereto, and also of the possible action of other governments, not parties, which may be taken in consequence thereof. So that treaties upon such subjects as international boundaries, immigration, extradition, and many others, may demand a survey of the whole field of diplomatic intercourse and international relations.

Mr. Cushman K. Davis, late a senator from Minnesota, was for many years chairman of our committee and had every qualification for that position. He was a close and diligent student of the law of nations, well versed in the entire course of our diplomatic history, and with the current and existing relations between the different members of the international household.

Though a great lover of books, he did not overestimate their value. Few men were more learned, yet he did not think that learning of any extent or character was to be compared with action—the actual performance of duty either in public or private life. In debate he was an adept; his ability as a disputant had been tested in the great parliamentary battles of the Harrison administration.

His powers were revealed at a time when the opposing parties in the Senate were nearly equal and both attended in full force; when colloquy and discussion were heated and exciting and results were closely

watched and guarded; when pairs were declared off and leave of absence was seldom asked and never granted; when the legislative day lasted more than half the week, senators took their meals in the cloak-room, and the aged and infirm slept upon the lounges; and when the winter sun in the earliest hour of the morning shone into the chamber upon the wan faces of those who had kept their seats during the all-night sessions, either to preserve a quorum or to demand a call of the House in its absence. He was what might be called a natural diplomatist of the purest and best type,—in manner calm and considerate, very courteous in parley or conference. No one was more conversant with treaty terms and phrases or more felicitous in the use of them. He pared down the differences between conflicting propositions to their precise dimensions, showed those parts of a protocol or pending treaty that should be approved, those that should be disallowed, and those that might properly be made the subject of further negotiation. In the Senate his exposition of sections and clauses and of the whole body of the instrument under consideration was lucid, scholarly and eloquent. He could even make statistics talk in the plainest, simplest style. Many of his best speeches were delivered in executive session; they were replete with wise and useful reflections concerning our foreign policy.

His first task in considering the text of a treaty or convention was to scrutinize it section by section to ascertain whether it contained any provision not in ac-

cordance with the constitution. Neither the honor nor dignity of the United States was, as he thought, compromised, by thus declaring to other nations that this was not a government of unlimited powers, and that its diplomatic action was subject, like that of its legislative department, to the restrictions and limitations prescribed by the supreme law. No intimation nor remonstrance, even from the highest source, ever affected his action or opinion on this subject.

He had been a soldier of the Union, and was now a senator; but whether soldier or senator, he was also a citizen loyal to constitutional obligations. His faith in the mission of the Republic, the Republic as such, pure and free from the taint of alien elements or emendations, was steadfast and immovable.

Davis was an American for all time—not merely for the present and future, for the past also. His love of country began with Lexington and Concord. He loved the United States of Washington, of Jefferson and of Hamilton, the land of Jackson, Webster and Clay, no less than that of Lincoln, Douglas and Seward. This land of old, with its magnificent bead-roll of rulers and statesmen, was the object both of his reverence and affection. This country of a hundred years ago, with its people, its laws, its government, was to him more of a reality than the things of to-day or yesterday are to most men. He lived and moved in it as actually as in the later period, when he himself had so large and honorable participation in the labors of the public service. He was loath to break ranks with

those of the illustrious procession who had gone before, was very anxious that the form and pressure of their time, that the touch of their lingering presence, should still be felt in the guidance of our national career.

These latter days of attempted change and transition he deprecated, not despairing of the future, but as a patriot sternly zealous for his country's fame in one as in another era of its history.

The time, from the date of our Declaration of Independence to the close of the last century, has been marked by a large expansion of the polity of government by the people. One grand division of the earth, South America, has been almost filled with republics. France has discarded hereditary rule, monarchies have become limited, and even imperial power has been somewhat ameliorated in its actual administration.

What has much retarded this liberal development, and may even prevent its further action, is the Family Compact among European sovereigns—an extensive system of domestic alliances, made with the design of providing for mankind a perpetual succession of rulers born such, sprung from nearly related blood and lineage.

This far-reaching kinship of reigning houses, supported by the wealth and aristocracy of the countries included in it, and thus far tolerated by their people, rests mainly for its support upon the standing armies of the different nations. These vast forces are the perpetual witnesses of international jealousy, thus taken

advantage of by the ruling classes and allowed free play, but not to the extent of affecting the system of hereditary rule, even in war waged against a member of this compact. These armies drafted from the subject population, officered by the aristocracy, are quite available in war against a foreign enemy, and equally efficient in peace to maintain the sovereign and his counselors in their denial of self-government to the people.

Were it either possible or desirable to remodel our constitution so as to grant to its chief executive absolute power upon certain subjects, or in certain parts of the country belonging to the United States, the president would yet be barred from entering the closed circle of the royal Family Compact. The president is not a hereditary ruler; his office is elective, and his term, like his power, is limited. Besides this, the president of our Republic is not the equal of the kings and monarchs of the Old World; he is immeasurably their superior. The chosen ruler of a free people occupies a rank and position infinitely above that of a prince, who, owing to the accident of birth, without reference to his merits or capacity, is, to use the courtly coronation phrase, seated upon the throne of his ancestors.

The very existence of such a ruler as the president is a constant reminder to those who wear a crown of the sovereignty which, without right, they have assumed.

The first president of our Republic, so often and so justly called the Father of his Country, looked calmly

down from his lofty station upon the thrones and principalities of Europe, and lived with them upon terms of amity; but he clasped not hands with royalty, made no obeisance to its pomp or pride, and bowed to no earthly power save the sovereignty of the people.

That amicable relations of commerce and exchange have obtained, and may yet continue between these two forms of polity, does not remove the antipathy between dynastic rule and free popular government; this antipathy is natural, lasting and irreconcilable.

The assertion so often made that the monarchies and empires of the world are effete, worn out and exhausted, is not well founded touching those of Europe. They have never been more active and aggressive than at present; their rulers have never been served better than to-day. They are surrounded by wise and able cabinets, by skilful civil and military leaders, and by a large body of statesmen and diplomatists, who are attached to the reigning prince and his household, yet more to the throne, as a symbol of the system upon which depend their own rank, riches and authority.

They have inaugurated a policy, now long in use, of extending their dominion to include therein the greater part of the eastern hemisphere, thus making large and distant regions tributary dependencies of European thrones; they may entertain both the design and desire to add certain parts of Central or South America to their dominion.

One continent of the eastern hemisphere has quite recently been deliberately partitioned, by metes and

bounds, and these subdivisions have been severally allotted to and taken possession of by the crowned rulers of Europe as territorial accessions. The millions of the African race, thus subjected to this gigantic spoliation, may serve an apprenticeship to the arts of civilization and regal oppression for many centuries.

The career of Russian and British aggression in Asia, a part of the same policy, has been a more gradual process, due to the prolonged resistance of the Asiatic races against European domination—a domination sometimes urged as the means of expanding the area of Christian education and enlightenment,—though we know that the great evangelists of the first century used but one weapon, the Sword of the Spirit.

The course of armed aggression in Asia has been thus far attended by no collision between the military forces of the invading powers in that quarter. This is attributable to the practice of prudential forbearance, one of the controlling stipulations of the unwritten Family Compact. Prudential forbearance has been very manifest in shaping the map of Europe. The minor kingdoms, such as those of Greece, Belgium and the Netherlands, exist by this sort of sufferance. Their rulers are all scions and kindred of the reigning families composing the Compact. All this adds to the imposing solidarity of that royal league, which declares to peoples round it that dynastic rule must be the law of Europe, and of the uttermost parts of the earth that they can reduce to submission.

In the partition of Africa, Great Britain assenting,

and contented with what she already had, took a smaller share. This left larger portions to the other powers,—to the emperor of Germany a territory greater in extent, it is said, than that of his empire at home. Russia also forbore taking any portion, doubtless with the tacit understanding that it was not to be disturbed in its own sphere of aggression.

This was also in accordance with the settled policy of the House of Romanoff, which, even before the cession of Alaska to the United States, had abandoned the idea of a dominion of widely separated possessions, had preferred the continuous annexation of contiguous territory, and had discarded the policy of the Empire Afloat. Not that Russia disparages the navy; it is still used as it has always been, in border warfare—the border between sea and land. Its power, like that of its own element, is bounded by the shore, limited to the capture of harbors and seaports, while the sovereignty and possession of the inland country is unchanged. For the reason that the actual work of invasion and subjugation must be done by the infantry, or cavalry, the army of a million men when needed has been the right hand of the czar in the long course of conquest already made. In that of the future it is predicted that the boundaries of the empire will be washed by the waters of the Persian Gulf and the Mediterranean, as they are now by the waters of the Arctic, the Baltic and the Pacific.

The Sick Men of the two Orient, the one at Peking, the other at Constantinople, have enjoyed those

proverbial threatened, yet long lives, due perhaps to the differences of those waiting for their demise, concerning the expected distribution of the estate of the decedents.

Russia, by its great strength and resources, the enduring and absolute nature of its central authority, and especially by reason of its immediate contiguity with China, now in a long line of territory adjoining its boundary, is a normal natural oriental power of the first magnitude.

Japan, for the aptitude of its people in arts and arms and notably its geographical proximity to China, is a power of the same kind. These two powers are chiefly interested in the fortunes of the Chinese Empire. Our commercial interests would not be prejudiced by the expansion of either, as they might be by our discrimination or preference.

In the Crimean War of fifty years ago we made, and desired to make, no figure. There is no reason of international law or policy for our adoption of any different course in the wars of the farther Orient. We are on terms of amity at least with both the empires of Turkey and China, and are under no obligations to preserve the integrity of either, even if it were threatened. Their enemies are not ours, and there is no necessity that they should become such. It is evident, quite as certain as anything can be within the area of such contingencies, that when these wars of partition shall have been waged and ended, when the new boundary lines are to be marked and delimited, our trade and

other interests will be more largely favored both by the victors and the vanquished, than if we had been active participants in the strife. With Japan we have always been upon friendly terms and have enjoyed there the largest tolerance in trade, education, faith and worship. The gift, by Russia, to us of Alaska, for it was substantially a gift; the great naval demonstrations made in our behalf during the Civil War, the expense of which was quite as much as the after-paid purchase-money,—may not have been made for immediate effect only, but also to enable the czar in the future to say, and to say with truth: Russia was adverse to secession and dismemberment; it favored the preservation of the Union of the states and ceded a vast extent of its own territory to enlarge the area of the Republic; why should the Republic oppose the addition of further provinces to the Empire?

We have been now a long time in the farther Orient, ever since the commencement of the last century, even before. Our people there have meanwhile prosecuted enterprises of great moment, relating both to religion and commerce. Our government has furnished constant and effective protection to missionaries, merchants and other American residents in that country.

During this time we have witnessed rebellions in China, wars between China and the western powers, and between China and the eastern powers, but we have had no participation in these, and have held aloof, for the most part, in the attitude of spectators,—the position of friendly neutrality. Our statesmen and diplo-

matists of the last century were often tempted to abandon this position, but they declined to do so. They thus retained the friendship of Japan and Russia, without losing that of China, and made protective intervention in behalf of our own interests and people more helpful and efficient.

It has been conjectured that the people and government of the United States have been recently touched at least with the desire to change this policy. As a result of the war with Spain we have acquired the Philippines; we have in these islands of the Orient extinguished Spanish sovereignty, and, after an armed and somewhat prolonged resistance by the native inhabitants, we have established our own. Our occupancy and governmental administration in the Philippines involve grave and serious questions in themselves, and should not be further complicated by the proposition that these islands must be used as a strategic vantage-ground, from which we may take part with other powers in future campaigns for the spoliation and conquest of China or of other countries yet held by the natives of the Asiatic continent. It is easy to say that we should lose, by such a course, that position heretofore of real worth and value to us, as arbitrators and mediators in the complicated strife of the Orient. We should lose also, or impair our prestige as the chief of the world's republics. It may be said these statements are homilies—homilies dry and barren, “mere cankers of a long peace and a quiet world.”

Yet it is to be noted that European military cam-

paings in Asia from the time of Alexander the Great to the present, whether they have been fought with the spear and javelin or with the Maxim and the Jorgensen, have had for the people of Asia but one result—a change of masters. There has been no campaign in that quarter of the world for the freedom and independence of the people, or for popular government in any form, in which we might rightfully engage. Respecting the interests of trade, we have not yet made it an imperative duty or policy that the blood of our bravest shall be shed abroad to enrich those remaining at home.

We have heretofore made and still are making gains in trading with the far East. These gains have been due to the excellence of our commodities, the facility of our exchanges, the speed and safety of our maritime transportation. These profits have been willingly paid; they are unstained by blood, untainted by violence; they are not like the taxes and tribute wrung from the peasantry of India and other subject provinces of European powers in Asia.

It is urged in support of our joinder in the spoliation of continental Asiatic territory, that a marvelous change of direction in the world's commerce is at hand; that the Atlantic is to become a mere maritime waste, and the Pacific is to be the great pathway of exchange and traffic.

Suppose that these predictions were fulfilled, that New York and London had ceased to be metropolitan marts of the nations, that the Thames and the Hudson

had become only resorts for excursion steamers and pleasure yachts, and that the great floating lines of steam and sail had betaken themselves to the farther East; what nation is better prepared, more ready for such a transformation than our own? Ours is now a very long line of Pacific coast within navigable limits; we have the Golden Horn, the harbor of the Columbia at Portland, Tacoma and Seattle on Puget Sound, waters in which the trade fleets of the whole world have the utmost facility of arrival and departure, or may ride at anchor in undisturbed security.

The money value of the Pacific trade, like that of any other international commerce, depends upon the exchange of commodities between the two sides of this great ocean. Unity of possession and interest on one side would be far more advantageous than a small isolated possession of the other side, girt about by different races and nationalities. Besides this, if the trade crusade is to be the primary article of our national faith and duty, and all other considerations are to yield thereto, the way is open therefor. We might extend our Pacific coast line by the subjugation and assimilation of the whole country south as far as the Isthmus or beyond it. No power could prevent this. We should have overwhelming military and naval force and contiguity on our side, as Russia has in its Asiatic campaign. If we prefer more insular possessions we could in a very brief campaign seize and take possession of the whole archipelago of the West Indies, establish its

provincial capital in Porto Rico, and thus provide a group of insular posts which, like sentinels, should watch and guard the entrance of the Isthmian Canal.

In the meanwhile our position in the Philippines is in every respect one of test and trial. It will, as it has already, become the subject of notice and most guarded inspection by the eastern and western powers, as well as by the numerous people that inhabit the different countries of Asia. Our public conduct toward the Philippine native races should be that of the utmost good faith, the kindest consideration of their rights, made known by an open avowal of this policy and by action in accordance with it, even if this requires substantial changes in our relations toward them. Of this, our conduct, the multitudes of the Orient will be witnesses; and although these multitudes are without vote or voice in the government under which they reside, they have, in the affairs of trade and of the market, the school, the form of faith and worship in which we are interested, a power almost omnipotent, which we can profitably neither offend nor disdain. These multitudes of Asiatic races, under various religions, governments and nationalities, are inferior to our own people in force or vigor, but in subtlety of thought, in the real discernment of motives, they are not at all inferior. They may be disappointed, they will not be deceived, by our action.

We have heretofore made large accessions to our national domain,—those of the Northwestern Territory, of the Louisiana Purchase, California and New

Mexico, without subsequent or consequential embarrassment. In acquiring our recent insular possessions we have incurred an embarrassment before unknown, the character of which may not yet be fully realized.

When the condition called *entente cordiale* obtains between two leading powers, it becomes the subject of much greater interest than an ordinary treaty or international convention. It is not made in writing, it is not to be found in such documents as the president's message or the king's speech from the throne. It is evidenced by the acts and conduct toward each other of the two governments interested therein.

This cordial understanding between Great Britain and the United States was immediately countered by a similar arrangement between the French Republic and Russia. Thus the two leading republics of the world are placed at variance with each other, one being closely allied with the most powerful empire, the other with the greatest monarchy of Europe.

It is quite apparent to all men that under these circumstances the whole system of popular free government has been for the present depressed and obscured, sacrificed to the specious *éclat* of a needless grand alliance. As between the two republics in this transaction the initiative was ours,—an initiative indicating to foreign eyes at least some sort of moral deference to the historic prestige of the British monarchy. That England should remain for ever undisturbed in the West Indies and in the vast and fertile regions of Honduras and Guiana, in order that we might rule in

the Philippines, was certainly a bargain as harsh as it was unnecessary. We could have taken and held Porto Rico and the Philippines, as we acquired our other territorial possessions, of far greater extent and value, without the slightest connection of any kind with Great Britain—as well without, as with the cordial understanding. Without entertaining on our part any present ill will against England, with no disturbance of the ordinary amicable relations now for some time existing betwixt the two countries, it may yet be suggested that there are many degrees of difference between the relations incident even to a long and pleasant friendship, and those resembling a matrimonial alliance.

Such a close coalition, made at a juncture of the world's progress, when the two systems of dynastic rule and free self-government were at least approaching somewhat of an equilibrium, is in every aspect inauspicious to our political faith.

In the partition of Africa we had no voice nor part; in the spoliation of Asia we have hitherto had no part nor lot; we desired none in either. Such a course was commended by our sentiments of right and justice, and by the further consideration of those in control of our foreign relations, that we had duties and interests nearer home, of yet greater moment, which might be inconsistent with such participation. Affairs are now approaching a season of later maturity. Without question we might at once relieve the tension of political conditions in the Orient merely by our inaction,

and aggrandize our commercial interests in that quarter far beyond the risk or reach of competition. By no surrender, by only a partial abandonment of the Monroe policy, we should win the immediate favor of the powers of the Family Compact, and the increased good will of Russia and Japan. The open door—the gate, the entire coast, every sphere of influence would be flung wide to welcome us. For such a substantial measure of diversion and relief to the complicated troubles and turmoils of Asiatic policy as our renunciation of the right of intervention,—thus throwing open the regions of South and Central America to colonization by the European powers, and permitting the fleets and armies of those dynasties to conquer and hold possession of some of the American republics,—no compensation on their part would be lacking. Still it is well to consider, on our part, what adequate recompense could be made to us for the desertion of the cause of liberty in the western hemisphere, for this departure from the ancient paths of our fathers and the traditional policy of the great Republic.

No one need be misled by the apparent apathy or indifference of the great powers. The Monroe doctrine, whether we do or forbear, is a central feature of international policies in this age. Applicable in its terms to but one hemisphere, it may involve the fortunes of both.

We can not prevent European domination in Asia and Africa. We can do a much better thing than to share in its course. We can not release the myriads of

those subject people from their political servitude, but we can give to them and their oppressors a noble and ever-enduring exemplar of freedom in our own half or hemisphere of the globe; in the words of Bancroft, we may intrench liberty in a continent.

In this course we adhere to our former action; we give aid and comfort, if needed, to the republics of South America, and at the same time pursue a line of conduct best calculated to secure our own territorial possessions, old and new, from attack or aggression by foreign powers.

Any renunciation of our former policy would seriously impair our primacy in the American Compact, which had for its object the establishment and promotion of a system of free republics in the New World—a Compact not written, but affirmed now by many acts and deeds on our part greater than words. The scheme or theory of this Compact is found in the Monroe doctrine; action in accordance with it has often been approved by Congress; the doctrine or policy itself has never been defined by resolution or law. Senator Davis of Minnesota, who had given long and patient study to this question, who had gone through the annals of Congress and the state department, and noted every instance in which it had been the subject of debate or correspondence, stated that there had been no definition of it, and that Congress had deliberately and uniformly declined to define it. He himself concluded that the doctrine of Monroe, like that of fraud in the courts or of the *entente cordiale* in diplomacy, was in-

capable of precise definition, and that our action in its behalf must depend upon the particular circumstances of each case when it occurred. Diplomats and cabinets may need an exposition of this policy; the people of this Republic do not want and have not waited for a definition.

When, just after the close of our Civil War, the Emperor Louis Napoleon took military possession of Mexico and attempted to establish there a foreign ruler and an imperial rule, there were half a million of veterans of the war for the Union who would have taken arms again to expel these invaders; but upon our official intimation, his forces were withdrawn and the people of that country, released from this incumbrance, soon reestablished their republican form of government.

In encountering the difficulties incident to the maintenance of this policy, we shall never stand alone; we shall always have the active aid and sympathy of the republic which is attacked. Even if all the leading powers of Europe were to combine in such an armed invasion, all the free powers of America would unite with us to repel it, and, besides this, we should have the assistance of that ancient and unsubsidized ally of freedom in the west, the Atlantic, with its three thousand miles of waters severing these assailants from the base of their supplies and reinforcements. Such a contest, in such a cause, must be successful.

It should be remembered also that the American intercontinental railway, already well advanced, will,

like the Isthmian Canal, sooner or later be completed. It will traverse the Isthmus, and will extend beyond to those countries bordering upon the heart of the Andes. This will afford facilities for the transportation of troops and munitions of war, and along its whole line will appear stations, towns and cities, centers of trade and supplies wholly inland, little affected by naval incursions on the coast, even should these occur.

A recent joint armed expedition by two of the chief powers of Europe attacked one of these South American republics, destroyed some of its fortifications, killed some of its people, laid waste its commerce, and for a few days threatened to imperil the peace of the world. The initiatives of this incursion were well known at Washington. The beginnings, in such an affair, require to be closely questioned and cross-examined, so that the course and end of it may be clearly foreseen and determined. This expedition was undertaken, as alleged, to enforce the collection of claims for debt or damages made by the two powers against the republic. Certainly such claims might be more equitably adjusted by the international court, by mediation or arbitration, than by the action of any country as claimant, judge and executioner in its own behalf. An *ex parte* claim of one country against another, whether public or private, is not a just cause of war. Such a ruling would make war the perpetual condition of mankind. The non-payment of a debt acknowledged, or the absolute refusal to settle or adjust a claim by negotiation or the other means known to

the international code, may be a legal or lawful cause of war, but it is no more. And the distinction is to be noted. War waged upon such legal cause as the collection of a debt or claim is limited to that cause and must end when payment is made or secured. Nor are the causes of war interchangeable, as when Napoleon first sent his army into Mexico, professedly to collect a debt, but retained it there afterward for a very different purpose.

The use of force in the prosecution of a legal cause of war is not oppression; but the premature, wanton, or unnecessary use of force in such case is oppression.

Blockade enforced is war; such a war measure ought always to follow, never to precede, the use of the ordinary means of settling and adjusting the claims of the creditor against the debtor nation. These military and naval collection excursions have often been premature, unnecessary, and have been perhaps too often condoned.

Many of our citizens would rejoice to see some sort of revival of the old spirit of American diplomacy. Such a letter as that of Webster to Hulseman, or that of Seward to the minister of Louis Napoleon, would not and could not now be written. These missives were couched in terms of the utmost courtesy, of a tone independent, self-reliant; they were polished but imperative reproofs and rebukes given by the representatives of a free and sovereign people to the representatives of the emperors of France and of Austria. Such letters mark grand epochs in our national life—they are worth

more than battles won or cities taken. A great Republican once wrote: Peace hath its victories no less renowned than war.

These armed expeditions on behalf of creditors, unless made as a last resort after all other methods of settlement have failed, ought to cease. Their evil consequences have been too often felt to be much longer forborne. To say nothing of ulterior objects many times attempted by them, they have the effect of exploiting the display of monarchical power in American waters, of disparaging and humiliating our neighboring republics thus assailed. Their recurrence has a tendency to suggest a sentiment more offensive than mere indifference toward ourselves. These disquieting and irritating effects are not prevented or neutralized by diplomatic assurances. Such assurances may disclose little of real intentions; words belied by acts are no legal tender save in Utopia.

Perhaps, after all, these recent demonstrations were made as a test of American sentiment, for it is said sometimes, when the American Compact is spoken of, that the southern republics are hardly worthy of our sympathy or assistance; that they are inhabited mostly by people of the Latin races, the descendants of colonists from Spain, Portugal, France and Italy—races, as it is said, incapable of self-government. The whole country south of the Rio Grande is sometimes called Latin America, and it is asserted that this country has been and is the scene of constant civil wars, of revolutions and counter-revolutions, of frequent and violent com-

motions. But this statement is much exaggerated. In the last thirty years there has been a large improvement in these conditions.

The greater republics of Latin America, like Mexico, Brazil, Chile, Argentina and others, have within that period made good progress toward peace, unity and a stable system of administration. The population of those countries has given in many cases, such as those of Iturbide and Balmaceda, evidence of its steadfast devotion to the principles of free government. The people of Cuba, unaided, waged a war for independence for ten years against the Spanish monarchy. Indeed had it not been for the Cuban revolution the whole series of events that has so much occupied our own attention in late years would never have happened; Cuba and Porto Rico would still be Spanish provinces.

It should not be forgotten that the two greatest advances made by the system of free popular rule have been accomplished within the last century by people of the Latin race—the overthrow of the empire in Brazil and of both the monarchy and empire in France.

One hundred and fifty years ago the most powerful member of the European Family Compact was the House of Bourbon, reigning in France, but holding a wide dominion elsewhere in the Old and New World. In 1750, it would have been regarded quite as improbable that the Bourbons should lose their crown and throne as that the Hapsburgs or the Hohenzollerns should cease to reign in Germany and

Austria. Indiana at that time was a part of the extensive possessions of the House of Bourbon in North America. We may felicitate these our ancient rulers upon one act of historic renown. It was a long-descended king of this royal house who gave us the most material and opportune assistance in the war for independence; and his subjects, though nominally under Great Britain at the time, completed the work of the Revolution in rendering willing aid and support to the great American who conquered for his country the Northwestern Territory.

A more recent ruler of France gave to our interests very timely and favorable consideration. Napoleon is often said to have changed the map of Europe, but his largest and most permanent work of this character is shown in the map of North America. In 1800 Bonaparte, then first consul, all-powerful in the councils of Madrid, even before he seated his brother on the Spanish throne, procured the recession by Spain to France of the province of Louisiana. Three years afterward, having held it just long enough to complete the negotiations for its sale, he sold and ceded it to the United States. These successive cessions were a part of the same design—a purpose well premeditated upon his part, not for the purchase-money, but to build up a power in North America able to cope with, to curb and control that of Great Britain in this quarter of the world. Never did subsequent events more fully realize a purpose thus formed. When, on the eighth of January, 1815, General Jackson and his gallant com-

rades, in defense of the soil of this new purchase, defeated the trained veterans of Wellington and drove them to their ships, the power of Great Britain did suffer a check, long remembered, not yet forgotten.

Such, at the time of the Louisiana Purchase, was the policy of Jefferson and Napoleon—yet more, it was the policy of the United States and France. How far we have now departed therefrom, and why we have turned away from France, our most ancient friend and ally in Europe, to court a closer intimacy with England, our former enemy, are questions which may much concern the student of our foreign relations even while we are engaged in celebrating the centennial of the Louisiana purchase.

The event itself is well worthy of commemoration. The acquisition of that province made the Mississippi an American river; it extended our national boundaries far toward the Pacific; it first made manifest our place and station as a world power,—and from a world power we received it, that of France and Napoleon.

Thus we have had many momentous transactions with the people and rulers of the Latin race, but in any consideration of its political genius and capacity we must not overlook Italy, the country of its origin. For many centuries after the fall of the Roman Empire, Italy was divided into small kingdoms and principalities. These were rife with local jealousies and animosities not to be appeased or pacified. Wars between them were of frequent, constant occurrence, wars of the most cruel and unsparing violence. It

was a state of things worse than ever has been known even among the South American republics. Such was the condition in the eventful closing years of the fifteenth century, that although America was discovered by one Italian and named from another, Italy founded no colony and had no possessions in the New World. There was no government in that country that had resources adequate for such an enterprise, and the New World was to them the same as if Columbus had never sailed or never returned. This divided and distracted condition has continued with some circumstances of amelioration, even down to our own times.

I recollect meeting, with some other friends, now many years ago, Mr. Robert Dale Owen, of the county of Posey in our state, after he had returned from Europe, where he had resided for some time as minister of the United States at the court of Naples, then one of the separate kingdoms of Italy. As Americans interested in Italian affairs, then beginning to attract notice, we inquired concerning these. He was well versed in Italian politics, and as thoroughly acquainted with the whole scope of political movements in Europe as any diplomat or publicist of that time. He spoke in hopeful words of the future of Italy; predicted its liberation from foreign oppression and its ultimate achievement of unity, peace and independence. The wish might have been father to the thought. Mr. Owen would have disclaimed neither. He had, as be-

comes an American, an unfaltering, immovable faith in human progress.

This prediction has been since abundantly fulfilled. We need not harbor any misgivings of the fortunes of these southern republics or their people. Some Cavour will appear there as in Italy, some large-minded and wise-hearted South American, who will know how to unite conflicting interests, to assuage local feuds and controversies, and who will lay securely the foundations, and build thereon, of larger nationalities, of free stable unions, and of lasting peace. These results, like those in Italy, may appear upon the unrolled map of the future in South and Central America sooner than we imagine. A survey of the political changes that have taken place in the world within the last century will justify the assertion that nothing is now more improbable than that which has already occurred. The disturbed condition unfortunately now prevailing among the minor republics of Latin America should make us more solicitous to guard them against foreign invasion upon whatever pretensions. The imperial powers, in the absence of our intervention, would much prefer aggression in those quarters to an attack upon the Chinese Empire, guarded as the latter is by the two oriental powers which have the purpose to permit no trespasses in that quarter except their own.

European colonies and dependencies, held in the part of this hemisphere south of us, would constitute

a much better vantage-ground for attack upon this country and its commerce than present conditions afford; and this has been no doubt part of the thought of our people in the maintenance of the Monroe doctrine as the best means of our own safety and defense.

When President Monroe sent his celebrated message to Congress upon this subject, the legislature of our state was in session. A joint resolution was passed approving the doctrines of the message, and the governor, William Hendricks, was requested to forward copies thereof to our senators and representatives in Congress and to the president.

Our general assembly of to-day would have taken similar action upon this subject on a like occasion or opportunity. Every state in the Union would unite in the support of the same time-honored policy.

These republics of the South have looked somewhat askance at our campaign in Asiatic waters, and at the very singular alliance or understanding that accompanied it. They have only looked, they have made no sign, no official utterance of dissent or protest. They still entertain for us those traditional sentiments of friendship induced by our early recognition of their nationality and independence. They still have the utmost confidence in the great Republic of the North.

This confidence is not misplaced. The vast and free constituencies of these states still adhere to the American Compact. If the alternative be presented, between maintaining this Compact or the *entente cordiale*, the people will make a swift decision. They

will insist that the observance and enforcement of the Monroe doctrine shall have a first place in our foreign policy; that the halls and chambers of our national Capitol shall still be held in full possession by its first great occupant; that they shall be filled with the air and breath of liberty as the temple of Solomon was filled by the symbol of a greater Presence.

CHAPTER TWENTY-ONE

CAMPAIGN OF 1898—ANCIENT WORTHIES OF THE HUSTINGS IN INDIANA—TILGHMAN A. HOWARD— HIS CAREER AND CHARACTER

The most notable feature in the campaign of 1898 was the reappearance in popular discussion of the topic of foreign relations. Although there had been during the Civil War a very large correspondence upon this subject between the European governments and our representatives at those courts involving much controversy, yet it was so ably and wisely conducted that upon the stump very little reference was made thereto. There was a long interval of time and an immense change of geographical site involved in this reappearance. Formerly we debated before the people the relations between the United States, Mexico and the sometime republic of Texas, the policy of annexation, and the disputed line of the Nueces or the Rio Grande; fifty years afterward the scene shifted to the Philippines.

I returned from Washington this year after the adjournment of Congress somewhat worn by the labors of the session. Our committee upon foreign relations in the earlier days of the war with Spain had held

meetings three times a week and sometimes had daily sessions. The attendance was close and exacting and, with the other more public duties of the Senate, taxed even the physical powers heavily. My participation in the home canvass was in consequence of this somewhat limited. I had not the strength to make the extensive tours of twenty or thirty years before, but visited and addressed the people in thirty-six counties, including such points as Evansville, Laporte, Terre Haute and Portland, not omitting Nashville, Vevay, Boonville, Madison and Richmond, showing that my appointments had been well distributed in the state. My canvass closed at Decatur, the county seat of Adams, on Saturday before the election in November. This was my last public address; it was the end of a campaign that had extended through a course of fifty years, commencing in 1848.

The public canvasser in such a long tract of time acquires a certain intimacy with his audiences as such; this acquaintance is casual but constant, transient yet continuous, wholly impersonal but not without interest. The impression which he forms of his audiences is perhaps more distinct and better defined than the conception which the people form of him who addresses them in the slight and brief contact incident to the relation of hearer and speaker. A meeting in fact, as one might be held in fancy, composed of but a single person from each of the assemblies addressed by me during this period would be considerable in number, and would show some singular changes in

manners, in costume, even in the terms of colloquial intercourse. The briefest abstract of the topics of public discussion during the last half-century would make a volume, quaint and curious, of almost forgotten lore. To reverse the process, and instead of dealing with what was said by the speaker, to give some account of what was said to him by those whom he met or with whom he sojourned by the way, would make one still larger—not unworthy of attention. What has already been written of these recollections may interest those of the present, though it is also intended for the readers of the future who may wish to know something of the men and manners of our state in a time, now already become somewhat remote, which the passing years are rapidly removing to a yet greater distance.

In my early campaigns aged men were met and conversed with who had in their youth known and heard Jonathan Jennings and Harbin H. Moore, who had heard the two Nobles, senator and governor, who talked in glowing language of the eloquence of George H. Proffit and of George G. Dunn. I heard much in the same way of Whitcomb, of Oliver H. Smith, of Hannegan and Howard. These traditions of our ancient worthies of the stump have not yet ceased, but are handed down from one generation to another. Some of those traditions, listened to in my first canvass, were heard in the last. One of them often related was the account of an adventure of Mr. Howard while

engaged many years ago in canvassing northern Indiana.

Tilghman A. Howard was a native of South Carolina, whence he removed to Tennessee, and afterward, when still quite a young man, to Indiana. The first public position he held in our state was that of United States district attorney. He was subsequently a member of Congress, and a candidate for governor and senator. In 1845 he was appointed minister of the United States to the republic of Texas, a mission then of great importance both to those who sent and those who received the envoy. The government detailed one of the smaller ships of war then in commission to convey him to one of the Texan ports. They sailed from New Orleans for their destination, but in crossing the Gulf a violent hurricane arose, which drove the vessel out of its course. They made at last a brief landing somewhere upon the coast of Honduras or Yucatan; by some casual exposure Mr. Howard was attacked with one of the fatal diseases incident to that climate, and died while abroad on this mission. His remains were brought home to Rockville for burial. A large concourse of people from all parts of the country attended the funeral ceremonies, uniting to pay the last tribute of regret and honor to the illustrious dead.

The pioneers of northern Indiana many years since honored themselves in giving his name to the county of their residence; thus his memory has been perpetu-

ated in a manner much beyond that of some of his contemporaries that were more fortunate in their political career. He was a very conspicuous public character during the time of my youth, and was a personal and political friend of General Jackson's, both before and after his election to the presidency. Mr. Howard was one of those whom our people describe as of a portly appearance, with a very impressive voice, gesture and bearing, much in request as a speaker, and high in the regard of members of all parties; he was exceedingly affable in intercourse with his constituents, but at the same time thoroughly independent—a man of rare capacity, wisdom and discretion, and of a singular purity of life and morals. Even the venial excesses so common in the customs of that time, and so often indulged in by those engaged in public life, he carefully avoided. Wholly free from cant, without the slightest trace of the formalist or the Pharisee in his demeanor, he yet would not in these things conform, but went his own way, as he had chosen. Among his associates, the gentlemen of the bar, he took first rank, as well on account of his learning and ability as by his courteous and kindly manner, specially shown to the junior members of the profession. Upon the hustings his candor was so perfect,—to use the phrase of the people, he was so plain-spoken upon the stump,—as sometimes to lose the favor of certain of his hearers who would otherwise have been drawn to his support by a personality so attractive. Such was the quiet, even tenor of his life that he accepted with like equa-

nimity success or defeat. Beaten by an adverse majority, he still continued his political labors in the same spirit, anxious for the welfare of his countrymen, who, if they did not always heed, were glad at any time to hear words of counsel from the lips of this great patriot, statesman and publicist. He was in the political arena the Bayard of his age—without fear as he was without reproach.

Mr. Howard was once engaged in making the canvass of a district which extended from the county of Parke, where he resided, northward to Lake Michigan. He had visited the settlements and the few scattered hamlets then existing along the Indiana lakeshore, and was ready to take his leave and start for home. As he was traveling on horseback and alone, his friends in parting gave him what they thought were very plain directions as to the road he should take leading to a ferry on the Kankakee River, which he must cross to continue his journey south. But when in his course he reached the open prairie region, the crossroads and byways became so numerous and perplexing that he lost his way and spent most of the afternoon in wandering among the high grass and reeds of the marsh, so that nightfall found him totally bewildered. Making a halt and looking carefully around, he saw at some distance a light burning steadily as though in some dwelling place. He rode in the direction of the light until he came to a rather spacious cabin standing near the bank of the river. He hailed the inmates, and the mistress of the house with a group of half-grown

children appeared in answer to the call. He told them that he had lost his road on the way to the ferry, and asked if he could stay all night. The mistress said he was quite welcome to stay if he could put up with their accommodations. He thanked her heartily and dismounted; one of the boys took the saddle and the saddle-bags, another took his horse and fed him, hitching him to a willow that grew near the cabin.

The family were at supper, and a plate was laid for the stranger, who, while eating, saw three men come to the back door. These held somewhat of a conversation in a low tone, which he heard without catching the words. One of these, a young man, then came into the house and, without noticing the guest, took down a rifle, powder-horn and bullet-pouch which hung over the mantel-piece, and with these rejoined those outside and all three went away in the dark, seemingly toward the river. After supper as Mr. Howard, accompanied by the mother and her boys, went out to look after his horse, he said something about having it put into the stable for the night. His hostess told him they had no stable; that they never stabled their own horses, but tethered them and turned them out to graze upon the marsh; that a stranger's horse was not treated in that way, for, as she said, there was a set of rough, wandering people that roved up and down the river after night, who, when they found such a likely animal as his was, were very apt to borrow it and not bring it back in the morning. She added that it was safest to let his horse stay where it was, close

to the cabin; they had an excellent watch-dog that would give the alarm upon the approach of a trespasser.

Her guest was not greatly reassured by these words; he had already begun to entertain some doubts as to the character of the place, and thought that he might have taken quarters where one in his situation, a candidate for public favor, ought not to have sought lodging even for a single night. However, he returned to the house, and upon making a close observation of the large room he was in, saw in one corner of it a stand with a few books upon it, and stepped across in the dim light to look at them. One of them was a large family Bible, well cared for though much worn by use; another was a little Methodist hymn-book in the same condition. In a moment, as he afterward told his friends, he felt relieved—at home; all his anxiety was gone and he secretly chid himself for the unworthy suspicions he had entertained. When the hour came for retiring, an early one, the lady of the house asked him to read a chapter. The stand with the book upon it was brought out and placed near the lamp. He turned to the chapter of St. Luke, containing the story of the Prodigal Son, and began reading. He was one of the finest readers of his time. Many of those who have spoken of this incident would have given something of value to hear this reading of the famous parable to his hostess and her children sitting round her. We may be certain that it was given with the same care and reverence, with

the same touch and tone of pathos that would have been used had he been in the presence of the most cultured audience in the world.

When the reading was finished, after a pause of silence and surprise, one of the boys showed the stranger up the step-ladder to the guest-room in the loft. Fatigued by the adventures of the day, he slept very soundly until called for breakfast. He went down to a repast fit for a king. Among other viands there were fresh venison steaks and fish just caught from the river, broiled to a turn and in such quantities as to appease the keenest appetite. His welcome was as royal as the repast. They had all heard of the reading of last night's chapter. The old, old story of the Prodigal had become new again; the mother of the household said it seemed to her that she had never heard it before. The whole family had now assembled, and Mr. Howard, during the meal, had a full explanation of some things he had observed the evening before. The father, with his two grown sons, had spent nearly all night on the river, engaged in what they called a fire-hunt. The main feature of this sport was a bright blazing fire kept burning in the bow of the canoe, while its occupants, screened by a clump of green branches, sat in the shadow. It was a still hunt, the whist game of the hunter-fisherman. The fish attracted by the light were taken quietly with the gig or spear, and the deer, attracted in like manner to the riverside, were taken with the rifle. The two eyes of a deer, gazing through the

dark at this floating beacon, made a mark such as no sportsman could miss.

After the father had given an account of the fire-hunt, the guest took the opportunity of telling his purpose in visiting that part of the country, stated the circumstances of his candidacy, and in his manly, courteous way solicited their friendly consideration. All the family instantly pledged him their support; they urged him to stay longer, but other engagements prevented this. He bade each of them good-by. One of the young men rode with him five or six miles through the prairie to the ferry, where they parted with many mutual good wishes.

In all the stories of ambition realized there is nothing more worthy of remembrance than this visit of Howard's to the log-cabin on the marsh.

Many persons have spoken to me of Mr. Howard, and all have made mention of the depth and sincerity of his religious convictions. In every circumstance of life he acted as if he were in the presence and under the protection of his Maker—not, as he believed, that general care taken of the young ravens or of the sparrows in their fall, but that concern, more immediate, spoken of by the Psalmist of the Friends:

I know not where His islands lift
Their fronded palms in air,
I only know I can not drift
Beyond His love and care.

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JUL 23 1953



